

# **Ad Hoc Committee on Immigration**

## ***2001 Annual Report***

December 14, 2001

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**Arizona Legislature**  
**Ad Hoc Committee on Immigration**

**2001**  
**ANNUAL REPORT**

*Submitted to the Governor*  
*The President of the Senate*  
*The Speaker of the House of Representatives*  
*Secretary of State*  
*The Director of the Arizona State Library, Archives and Public Records*

**Committee Members:**

Senator Chris Cummiskey, Co-chair  
Senator Toni Hellon

Representative Carol Somers, Co-chair  
Representative Victor Soltero

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# Arizona State Legislature

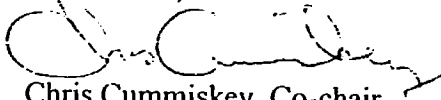
1700 West Washington  
Phoenix, Arizona 85007


December 14, 2001

The Ad Hoc Committee on Immigration is required to examine the impact of immigration policies and practices on Arizona's county governments including health delivery systems, environmental protection, criminal justice and law enforcement.

Enclosed is the 2001 Annual Ad Hoc Committee on Immigration Report.

Best wishes,

  
Chris Cumiskey, Co-chair  
Assistant Senate Floor Leader

  
Carol Somers, Co-chair  
State Representative

## Distribution:

The Honorable Jane D. Hull  
Governor, State of Arizona  
1700 West Washington  
Phoenix, AZ 85007

The Honorable Randall Gnant  
President of the Senate  
1700 West Washington  
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The Honorable James Weiers  
Speaker of the House of Representatives  
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## **AD HOC COMMITTEE ON IMMIGRATION 2001 ANNUAL REPORT**

### **MEMBERS:**

Senator Chris Cummiskey, Co-chair  
Senator Toni Hellon

Representative Carol Somers, Co-chair  
Representative Victor Soltero

### **ESTABLISHMENT:**

The President of the Senate and the Speaker of the House of Representatives created the Ad Hoc Committee on Immigration in August 2001.

### **COMMITTEE CHARGE:**

To examine the impact of immigration policies and practices on Arizona's county governments including health delivery systems, environmental protection, criminal justice and law enforcement.

### **ADDITIONAL INFORMATION:**

The University of Arizona conducted a study, *Illegal Immigrants in U.S./Mexico Border Counties*, to address the costs of law enforcement, criminal justice and emergency medical services. A discussion of the impact of immigration on Arizona's border counties is contained in Attachment A.

### **TERMINATION:**

December 31, 2002

### **PUBLIC MEETINGS:**

The Ad Hoc Committee on Immigration held six public meetings.

September 6, 2001, Phoenix	Minutes – Attachment B
September 18, 2001, Phoenix	Minutes – Attachment C
October 8, 2001, Yuma	Minutes – Attachment D
October 30, 2001, Douglas	Minutes – Attachment E
October 31, 2001, Nogales	Minutes – Attachment F
November 1, 2001, Tucson	Minutes – Attachment G

### **REPORT:**

The Committee is required to submit a written report of its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the

House of Representatives and provide a copy of the report to the Secretary of State and Director of the Arizona State Library, Archives and Public Records by December 15, annually.

The Committee met several times to gather information but did not adopted formal recommendations. However, the Committee plans to meet in the future and adopt recommendations prior to the Committee's expiration date of December 31, 2002.

#### **SITE VISITS:**

The Committee held hearings in several border communities, including Yuma, Douglas, Nogales and Tucson. In each of the border communities, the Committee visited sites impacted by illegal immigration.

##### *October 8, 2001 – Yuma*

The Colorado River Valley of Yuma County is rich farmland and sustains agriculture as a major part of Yuma County's economy. Yuma County experiences seasonal thefts on farm tractors stolen from yards and fields of farmers, produce growers and harvesters. The Committee visited the most southern part of the county, where the tractors are being driven through a three-mile stretch of the Colorado River bottom into the state of Baja California, Mexico. The Committee also visited the San Luis Port of Entry. The new San Luis East commercial port of entry will be located four miles to the east of the present facility. Construction of the new port of entry should be completed in 2006.

##### *October 30, 2001 – Douglas*

According to the University of Arizona study on border counties, in the last two years Cochise County has experienced the greatest increase in immigrant crossing among Arizona border counties. The County is responsible for the clean up of undocumented alien dumpsites. Since June 2000, the County has cleaned up 23.5 tons of trash. The Committee visited a privately owned ranch where three drug and illegal alien routes run through the ranch. The ranch was littered with gallon plastic bottles, back packs, clothing and abandoned vehicles.

##### *October 31, 2001- Nogales*

Nogales, Santa Cruz County busiest port of entry, neighbors the largest border city in the State of Sonora, also called Nogales. Nogales is also a very popular shopping location for Mexicans and the according to the Santa Cruz Board of Supervisors, due to the recent slowed border crossing and problems with the laser visa program, the local economy has suffered. The Committee visited the Border Business District, Nogales Port of Entry and the border fence area. The Committee also toured the Santa Cruz County Jail. According to the University of Arizona study on border counties, 54 percent of the total inmate population was illegal immigrants in 1999.

*November 1, 2001 – Tucson*

Pima County is the only county along the border that owns and operates its own hospital. Kino Hospital does not track the alienage of patients but studies estimate that 10 percent of total costs are dedicated to providing emergency medical services to illegal immigrations. The Committee toured Kino Hospital's intensive care unit and emergency room.

#### **FINDINGS:**

- Arizona's four border counties spent a total of \$24.2 million in 1999 on services related to immigration for law enforcement, criminal justice and emergency medical care, which amounted to an average cost of \$22 per person living in those counties. Of the six Arizona counties with the highest local property tax rates, four of those counties are border counties. In addition, only a few counties have the authority to levy a tax other than a property tax to pay for services.
- While there are economic benefits to sharing a border with Mexico, those benefits do not necessarily go to the county governments that bear the burden of costs of immigration. County governments are willing and able to provide mandated services, however, need for financial relief is urgent and severe.
- A significant and growing percentage of county and city budgets are dedicated to providing immigration services. Limited budgets and demands for these services detract from the county's ability to meet legitimate needs of taxpaying citizens.
- Tougher Border Patrol strategies in El Paso and San Diego have pushed illegal immigration toward Arizona. Arizona has the greatest proportion of Border Patrol apprehensions in the country.
- The laser visa program went into effect in September 2001. Many Mexican Nationals that cross the border regularly have not received the new visas and the decrease in border crossing has impacted the local economies in border communities. In Douglas, the equipment to read the laser visas is currently not available at the border, but the laser visas are required to cross.
- Increased border security measures, including the new laser visa program, as well as changes imposed after the terrorist attacks, have resulting in delays crossing the border. This slowdown, along with the general economic downturn, has resulted in substantial reductions in sales by local businesses. This, in turn, results in reduced local tax revenues that provide some of the resources to deal with immigration impacts.

- Medical personnel do not typically inquire about patient alienage, only county residency, so a county's illegal immigrant caseload is very difficult to determine, but indicators such as lack of social security number or a local address suggest an absence of documentation. The University of Arizona study determined that a conservative estimate of costs of providing emergency medical services to illegal immigration to Kino Hospital, the only county hospital along the border, is \$1,840,000 or an impact of 10 percent.
- If a person needs emergency care, Border Patrol does not take that person into custody. The county provides the medical services and incurs the costs. In the case of aggravated felonies such as narcotics, alien smuggling, or murder, Border Patrol would take the person into custody, see that the person receives medical services and pay for 100 percent of the medical costs.
- Yuma County has experienced an increase in diseases such as tuberculosis. Undocumented aliens receive partial treatment for diseases and do not return for further medical follow-ups. The treatment is not completed and exposing additional people to the disease causes treatment costs to rise.
- Border counties are experiencing problems with communication equipment due to radio static from Mexican radio frequencies and inferior equipment.
- While only a small percentage of people crossing the border commit felonies or repeated misdemeanors, the impact of crime related to immigration is substantial on the four border counties law enforcement and criminal justice systems. Sheriff departments bear the brunt of those costs, which includes detention and medical care costs for those apprehended. In Cochise County, it was estimated that 40 percent of the Sheriff department's workload is associated in some way to immigration. Federal funding provides some compensation for detention costs, but that funding amounts to only a small fraction of the total cost to the counties.
- The State Criminal Alien Assistance Program (SCAAP) provides federal assistance to states and localities that are incurring costs of incarcerating undocumented criminal aliens who have been convicted of state and local offenses. SCAAP funding totaled \$585 million in 1999, but all of the 24 border counties together received two percent of the total funding.
- Santa Cruz and Cochise Counties expressed concerns with illegal solid waste dumpsites, air pollution, water contamination and sewage overflow from Mexico.
- Santa Cruz County has seen a decrease in crime since the erection of the fence separating Nogales, Arizona from Nogales, Mexico. While the new fence in Nogales has decreased crime in that immediate area, concerns were expressed that these actions may have simply diverted immigration traffic and impact to other areas.

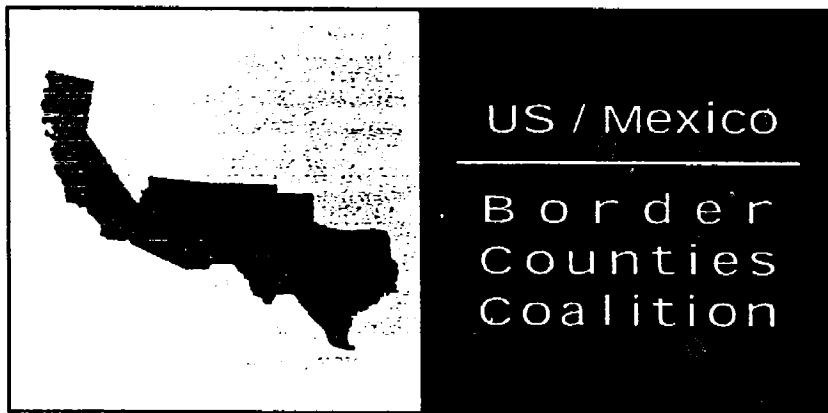
- The existing formula for funding to county governments based upon population does not adequately take into account the temporary and seasonal increases in population of properly documented workers in the border counties.
- Legislators and other state leaders should increase efforts to support and assist Arizona's Congressional Delegation in advocating for increased federal funding targeted toward mitigating the impact of immigration on this state's border areas, including funding to reimburse local governments for costs related to immigration.
- The State of Arizona should adopt a statement of policy to clearly define the role and responsibility of state government in addressing the impact of immigration.



ATTACHMENT  
A

# **UNITED STATES/ MEXICO BORDER COUNTIES COALITION**

**F ebruary 2001**



## **Illegal Immigrants in U.S./Mexico Border Counties**

The Costs of Law Enforcement, Criminal Justice,  
and Emergency Medical Services

THE UNIVERSITY OF  
**ARIZONA.**  
TUCSON ARIZONA

## ARIZONA'S BORDER COUNTIES

Arizona was the last of the continental 48 states to enter statehood. Typical of western states, Arizona is arid and rugged, with sparsely populated rural areas and geographically large counties. The federal government and Indian tribes own most of the state, so decisions and policies made in Washington affect the state deeply. As with other states along the southwestern border, the macroeconomic and political conditions of Mexico reverberate throughout Arizona. Four of Arizona's 15 counties share the state's 360-mile border with Mexico. To varying degrees, Arizona counties have been grappling with the consequences of proximity to Mexico for many years. The economic benefits of easy access to Arizona communities by Mexican citizens have been well documented and encouraged for years, but the social, environmental and fiscal consequences of illegal activities have only recently come to the public's attention.

Arizona's population in 1999 was estimated to be about 5 million. Just over three-quarters are concentrated in Maricopa County (2,803,325) and Pima County (803,618), making Arizona an urban state. Roughly 83 percent of the state's 113,554 square miles is controlled by the federal government and 21 Indian tribes; only 17 percent is privately owned. Private land ownership by county ranges from a low of 3 percent in Gila County to a high of 41 percent in Cochise County. Status of land ownership is important, because counties derive their principal general fund revenues from the property tax. The two urban counties and 13 suburban and rural counties are active participants in state policy making to ensure that their concerns are addressed. All 15 counties are also members of the National Association of Counties, and several county supervisors participate on national task forces, particularly ones that relate to federal land policies and criminal justice. A tradition of county activism in federal and state issues that impact county government led the counties on the border to bring together their border counterparts in California, New Mexico and Texas. Santa Cruz County, the smallest in land base and population of the four border counties, had commissioned a precursor to this study in 1997, *Border Impact: Law Enforcement and Criminal Justice in Santa Cruz County, Arizona*.<sup>1</sup> The findings of that study led to a bill that garnered a significant state appropriation to the county's general fund in 1998. Santa Cruz County officials then distributed the study to other counties along Mexico's border, and the U.S./Mexico Border Counties Coalition was formed soon after. All four counties are founding members of the U.S./Mexico Border County Coalition, and Pima County Supervisor Sharon Bronson represents them on the executive committee.

### Arizona's Border Environment

Arizona's four border counties include Cochise County, Santa Cruz County, Pima County, and Yuma County. They have a combined population of 1.1 million, 18 percent of the 6.3 million population in the 24 border counties. Seven ports of entry operate in Arizona: two in Cochise County, two in Santa Cruz County, two in Pima County, and one in Yuma County. In 1999 the INS recorded 34.2 million border crossings into Arizona, roughly 11 percent of all crossings along the southern border. In that same year, however, approximately 530,000 apprehensions were made by the Border Patrol, nearly 40 percent of the total number of U.S./Mexico border apprehensions. Arizona clearly experiences a disproportionately high share of illegal apprehensions; the state, indeed, is the top choice for entering illegally. Moreover, the hottest spot

currently for illegal entry is the Douglas area in Cochise County, where 56 percent of Arizona apprehensions were recorded. On a per capita basis, however, Santa Cruz County has the greatest proportion of illegal crossings of the four border counties. The terrain along Arizona's border is rugged and remote, but not impassable. The most daunting passage is through vast stretches of uninhabited desert in Pima and Yuma Counties. Still, Arizona is relatively accessible---temperature rather than terrain is the principal physical deterrent. Table A1 presents border county data in Arizona.

Table A1: Arizona Border County Statistics

County	Population (%)	Square miles(%)	INS Crossings (%)	BP Apprehensions (%)	Ports-of-Entry
Cochise	112,754 (10.5%)	6,256 (28%)	7,078,430 (21%)	295,247 (56%)	2
Santa Cruz	39,150 (3.5%)	1,246 (6%)	14,774,813 (43%)	86,529 (16%)	2
Pima	803,618 (74%)	9,240 (41%)	1,665,802 (5%)	59,865 (11%)	2
Yuma	135,614 (12%)	5,561 (25%)	10,638,342 (31%)	87,939 (17%)	1
Total:	1,091,136	22,303	34,157,387	529,580	7

Source: DES, INS, BP

### Characteristics of Arizona County Government

Arizona county governments are subdivisions of the state but with considerable local authority. While only the two urban counties, Maricopa and Pima, have the option of framing and adopting a home rule charter (though neither county has achieved voter approval), counties can levy a one-half cent sales tax for general purposes, set their own service charges, impose development impact fees, and establish sub-taxing districts for jails, health care, sports stadiums, and benefit service districts. Principal revenues for the county general fund come from the county property tax and state-shared taxes. (The State of Arizona distributes to counties a portion of the state sales tax, gasoline tax, vehicle license tax, and lottery profits.) Counties are uniformly structured: the governing body, called board of supervisors, is comprised of three or five members, elected to four-year terms from districts. The chairman is selected from among the members. The board of supervisors has overall fiscal and fiduciary responsibility for the county, but it does not oversee operations of the seven elected department heads, called county constitutional officers. They include county assessor, county attorney, clerk of superior court, county recorder, county school superintendent, sheriff, and county treasurer. All elected officials run on a partisan basis and can serve an unlimited number of terms. Judicial officers---superior court judges, justices of the peace, constables---are also elected on a partisan basis. (Superior court judges in Maricopa and Pima Counties are appointed by the governor and subsequently stand for voter retention.) All 15 counties have appointed professional managers or administrators with broad authority. Arizona counties belong to the Arizona Association of Counties, the County Supervisors Association of Arizona, and the National Association of Counties. Many top appointed officials also belong to

the International City/County Management Association and the Arizona City/County Management Association.

## Arizona County Law Enforcement and Criminal Justice System

County governments have a state responsibility to process anyone apprehended on state felony or multiple misdemeanor charges. From apprehension to preliminary hearings, prosecution and indigent defense, pre-trial services, adjudication, probation and detention, (including a range of services to juvenile offenders), the county criminal justice system is complex and expensive. Most aspects of this system are funded through the county general fund with revenues generated locally.

In all counties, whether situated along the border or not, the major portion of the general fund goes toward financing law enforcement and criminal justice. Arizona's system at the county level typically consists of eight departments. They include: sheriff, indigent defense, county attorney (civil and criminal), justice court, clerk of superior court, superior court, adult probation, and juvenile court center. The departments of sheriff, county attorney, and clerk of superior court are headed by officials elected countywide to four-year terms. Elected presiding superior court judges oversee the superior and justice (and municipal) courts and appoint court administrators. Each department has multiple divisions, depending on the size of the county and the level of criminal activity. The indigent defense system is the responsibility of the board of supervisors, and the adult probation and juvenile court functions are the responsibility of the superior court. The board of supervisors, however, has full legal and fiduciary responsibility for all departments in the law enforcement and criminal justice system.

Arizona border counties spent a combined \$170.1 million from the general fund on law enforcement and criminal justice functions, or \$155 per capita. The proportion of general fund expenditures that finances the county law enforcement and criminal justice system ranges from a low of 37.5 percent in Santa Cruz County to a high of 61 percent in Yuma County. (The average is 48 percent.) The four counties spent from \$16 per resident to \$154 for law enforcement and justice services. These statistics are found in table A2.

Table A2: General Fund Expenditures on Law Enforcement and Criminal Justice

County	Expenditure (% gen fund)	Per Capita
Cochise	\$14,178,450 (39%)	\$126
Santa Cruz	\$ 6,043,014 (37.5%)	\$154
Pima	\$132,000,000 (54%)	\$16
Yuma	\$17,917,646 (61%)	\$132
TOTAL:	\$170,139,110	\$155

## Arizona County Indigent Health Care System

The county indigent health care system consists of several components. Counties are mandated by the state to provide health care to resident indigents through the state's version of Medicaid, called Arizona Health Care Cost Containment System (AHCCCS). Indigent medical services are not provided to nonresidents, but they can receive emergency care through the State Emergency Services (SES), a division of AHCCCS, or Federal Emergency Services (FES), a division of the federal government. Care for illegal immigrants treated under SES is indirectly financed by counties through their annual mandated contribution to AHCCCS. The SES program consumes about 9/10 of 1 percent of the state AHCCCS budget, and it is assumed that that portion of the county contribution goes to SES. The vast majority of non-resident indigents in border counties who receive emergency medical care, including labor and delivery, are undocumented immigrants. Further, counties conduct interviews and reviews to determine if applicants qualify for AHCCCS. Many of the applicants who do not qualify are illegal (though many who do qualify are residing illegally), so the eligibility determination function factors in a county's cost for emergency medical care for illegal immigrants. The number of applicants that are disqualified becomes the basis for determining cost. (Note that the requirements for qualifying for medical services differ among county, state and federal programs. There seems to be some disagreement on the interpretation of those qualifications, and more research is needed to determine exactly what types of non-residents, including illegal immigrants, are covered by either SES or FES [e.g., marital status and intent to remain in the state].)

Pima County presents a different situation with respect to emergency medical care. The county owns and operates Kino Hospital, so the county is in the medical care delivery business directly. While Kino Hospital is budgeted as an enterprise (i.e., self-supporting), the county general fund subsidized the hospital for \$18 million in FY 1999. Pima County also incurred some pre-AHCCCS medical expenses for illegal immigrants.

Medical personnel do not typically inquire about patient alienage, only county residency, so a county's illegal immigrant caseload is very difficult to determine. Estimated impacts on emergency medical services and eligibility determinations were based on general trends in border counties, interviews with a number of health care workers on various aspects of their work, and common sense. Likewise, the alienage of autopsy and burial recipients is not routinely documented, so other indicators were considered, such as manner of death (e.g., dehydration) and name (e.g., "John Doe"). Impact estimates in this domain, therefore, are meant to give only a general idea of costs.

## Costs to Arizona Border Counties

Arizona's four border counties incurred an additional expenditure of \$24.2 million from the general fund during FY 1999 because of the influx of illegal immigrants who committed state felonies or two or more misdemeanors. The majority of this additional financial burden fell on law enforcement and criminal justice departments; a small portion was also tied to indigent health care for *any* illegal immigrant. Table A3 presents the cost estimates for each county as well as the cost per resident. These totals include the cost estimate for receiving services from general county government (e.g., information systems, board of supervisors, human resources, finance and

budgeting).

Table A3: Estimated Costs of Illegal Immigrants by County

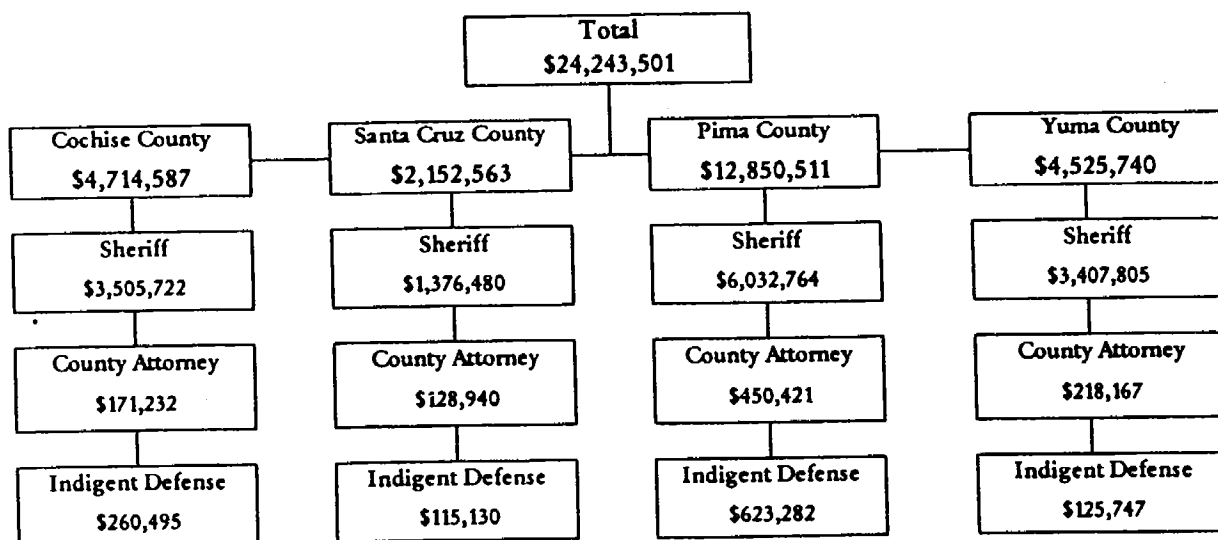
County	Cost Estimate (% of total)	Per Capita Cost
Cochise	\$4,714,587 (19.9%)	\$41.81
Santa Cruz	\$2,152,663 (8.6%)	\$55
Pima	\$12,850,511 (51.8%)	\$16
Yuma	\$4,525,740 (19.7%)	\$33.37
Total:	\$24,243,501	\$22.22 (ave)

Arizona's border counties spent an average of \$22.22 per person to provide services to criminal illegal immigrants and illegal immigrants given emergency medical care, autopsies, or burials. Pima County's total share of the burden is 52 percent. Santa Cruz County's burden, however, is significantly disproportionate to that of the other three: The county's per person expenditure, at \$55 is \$33 greater than the border average of \$22.

### Costs to Arizona Border County Departments

Estimated costs to each department were determined first by estimating the impact on departmental workload of processing criminal illegal immigrants and illegal immigrants needing emergency medical services. Considering workload and then taking a commensurate percentage of a department's general fund budget insures that the administrative overhead of the department is included. Additionally, estimates include the interdepartmental charges for general government services ("Gen Gov") as explained in Chapter 1. Note that autopsies and burials are also included in the category of "emergency medical." Table A4 presents estimated total costs by county and department.

Table A4: Costs to Arizona Border Counties by County and Department



Justice Court \$104,163	Justice Court \$95,868	Justice Court \$208,339	Justice Court \$59,487
Clerk of Superior Court \$96,903	Clerk of Superior Court \$64,990	Clerk of Superior Court \$36,342	Clerk of Superior Court \$61,698
Superior Court \$238,462	Superior Court \$156,320	Superior Court \$520,443	Superior Court \$211,518
Adult Probation \$44,856	Adult Probation \$149,528	Adult Probation \$132,308	Adult Probation \$105,581
Juvenile Center \$210,819	Juvenile Center \$55,255	Juvenile Center \$254,967	Juvenile Center \$0
Emergency Medical \$81,935	Emergency Medical \$16,152	Emergency Medical \$4,591,645	Emergency Medical \$335,736

As noted, the percentage of impact on workload is the basis for determining the cost to the general fund for each department. Impacts on the workload of each department are presented in table A5.

Table A5: Workload Impact on Departments by County

County	Sheriff Patrol/Jail	County Attorney	Indigent Defense	Justice Court	Clerk of Superior Court	Superior Court	Adult Probation	Juvenile Court
Cochise	60% 40% 28% 25%	15%	13%	9% (average)	26%	24%	14%	15%
Santa Cruz	30% 54%	23%	36%	36%	36%	36.0%	53%	10%
Pima	18% 4%	4.5%	4.5%	9.3% (average)	4.5%	4.5%	4.4%	2%
Yuma	25% 30%	20%	20%	20%	20%	20%	20%	0%

Sheriffs bear the greatest impact and cost of any department in the law enforcement and criminal justice system. The combined cost estimate for sheriffs is \$14.5 million. Further, while impacts on workload vary by county, they tend to be consistent from department to department within counties. Cochise County's impact on workload varies considerably, but Santa Cruz County's is about 36 percent throughout, Pima's is about 4.5 percent, and Yuma's is about 20 percent. The sheer size and scope of Pima County's government explains its relative impact on workload.



## Impact on Arizona Citizens

County boards of supervisors are constrained by comparatively high property tax rates and low assessed valuations, as well as revenue and expenditure limitations and burdened property owners whose taxes go principally to school and community college districts. In other words, raising the county property tax rate can be a wrenching experience and politically challenging, as property owners often assume that their entire tax payment goes to county government or that, if they live within an incorporated municipality, they receive no services for their county taxes.

The economics of running a county government make it difficult and frustrating for boards of supervisors to absorb expenditure demands that are beyond the control of local officials. For example, Santa Cruz County, which is disproportionately impacted by criminal illegal immigrants, has had one of the highest increases in the primary property tax rate in recent years, climbing 23 percent from \$2.6485 in FY 1995 to \$3.2487 in FY 1999. As shown in table A3, the cost to each Santa Cruz County resident of providing services to criminal and other illegal immigrants was \$55 considerably greater than the \$42 paid by Yuma County residents, the \$16 paid by Pima County residents, or the \$34 paid by Yuma County residents.

This per capita cost does not take into consideration other costs of illegal immigration in terms of private property damage, private property loss, or environmental degradation on state and federal land. Moreover, the tactics of illegal immigrants can engender fear in border residents. None of these social impacts has factored into the study. There are also opportunity costs associated with providing services to criminal illegal immigrants. The total estimated cost of \$24.2 million to Cochise County, Santa Cruz County, Pima County and Yuma County is revenue from local residents that could have been returned to property owners in the form of a decrease in the property tax rate or applied toward county programs that would add value to the community, such as airport development, new recreation sites, investment in economic development or expansion of existing programs and services.

The \$24.2 million cost reflects the impact in FY 1999 only. More recent statistics indicate that the costs of providing services to illegal immigrants in FY 2000 and 2001 will be higher. Apprehensions by the Border Patrol in the month of April 2000 were over 37 percent greater than those one of year before; they jumped from 47,482 to 65,213 in one month alone.<sup>2</sup> Border counties are likely to continue spending more and more of their general fund on apprehending, detaining, prosecuting, defending, adjudicating, and medicating illegal immigrants who not only cross into Arizona without documentation but also commit state crimes, give birth or become injured on the journey.

The following four sections provide a detailed description of the impact on workload and budgets on Arizona's border counties. Each section includes brief descriptions of the county, its border environment, and the cost to each department. Data collection methods and limits are cited, as well as key assumptions employed to reach reasonable cost estimates.

## COCHISE COUNTY, ARIZONA

Cochise County lies in the southeast corner of Arizona. It contains 6,256 square miles and shares 84 miles of border with Mexico. The county general fund was \$36.7 million, and the total budget was \$59.1 million. Expenditures for law enforcement and criminal justice functions totaled \$14.4 million (39 percent of the total general fund), for an expenditure of \$126 per capita. The county's primary property tax rate was \$2.9873 per \$100 of assessed valuation, and total assessed valuation was \$457.6 million. The county's population in 1999 was 112,754. About 60 percent live in the seven incorporated municipalities of Benson, Bisbee, Douglas, Huachuca City, Sierra Vista, Tombstone, and Willcox. Only Douglas, with a population of 15,000, sits on the border. Other populated enclaves include Naco, Palominas, Hereford, St. David, San Simon, Bowie, and Elfrida. Institutions of higher education include a branch of The University of Arizona in Sierra Vista and Cochise Community College.

### Cochise County's Border Environment

The Mexican State of Sonora shares the border with Arizona. The Sonoran cities near Cochise County's portion of the border include Agua Prieta, Naco and Cananea, with a combined population of 99,247. Two ports of entry operate in Cochise County, at Douglas and Naco. There were 7,078,430 border crossings into Cochise County during 1999 and 295,247 illegal apprehensions, 21 percent and 56 percent of the state total, respectively. Border Patrol stations in Cochise County are located at Douglas, Bisbee and Willcox.

In the last two years Cochise County has experienced the greatest increase in immigrant crossings among Arizona's border counties and likely along the entire U.S. border. The county has attracted national attention from media portrayals of ranchers who detain illegal border crossers on their property and hold them for the Border Patrol. Table A6 displays Cochise County border statistics.

Table A6 : Cochise County Border Statistics

Population	Square mi.	Border Length	INS Crossings	Border Patrol Apprehensions	Ports-of-Entry
112,754	6,256	84 miles	7,078,430	295,247	2

Sources: Census Bureau, INS, Border Patrol

### Costs of Illegal Immigration on Law Enforcement, Criminal Justice and Emergency Medical Services

The total cost to Cochise County of apprehending and adjudicating criminal illegal immigrants is estimated to be \$4.7 million. This includes the costs for general government services, emergency medical care, autopsies, and burials. The cost per resident of Cochise County was \$41.81. One site visit was made in February 2000 and several interviews were subsequently conducted in Tucson and Phoenix. All department heads and many division heads as well as some elected officials, technical experts, and administrators were consulted. Budgets, court records, and available departmental statistics were reviewed. Follow-up inquiries were made through telephone calls, e-mails and faxes, and preliminary and final cost estimates were presented to officials for

review. The total cost and costs by departments are presented in table A7. A narrative for each department follows.

Table A7: Cochise County Costs by Department  
County Total: \$4,714,587

Sheriff	County Attorney	Indigent Defense	Justice Courts	Clerk of Superior Court	Superior Court	Adult Probation	Juvenile Center	Emergency Medical
\$3,505,722	\$171,232	\$260,495	\$104,163	\$96,903	\$238,462	\$44,856	\$210,819	\$81,935

### Cochise County Sheriff

Costs to the sheriff were estimated to be \$3,505,722. Consistent with other counties, the sheriff's budget is the greatest expenditure in the law enforcement and criminal justice system. (The sheriff's portion of the total costs of processing criminal illegal immigrants in Cochise County is 74 percent.) The sheriff's audited general fund expenditures were \$7.1 million. Interviews with officials indicate that the patrol, investigation, and administration divisions are impacted by criminal illegal immigrant activity at different rates. The patrol division incurred the largest impact, estimated to be about 60 percent of its workload. Impact on the investigation division was about 25 percent, and both impacted the administration division about 40 percent. Expenditures in these three divisions amounted to \$4.7 million dollars: \$2.4 million for patrol, \$ .5 million for investigation, and \$1.8 million for administration. Jail operations comprise 34 percent of the sheriff's budget, or \$2.4 million. Documentation submitted to SCAAP indicates that criminal illegal immigrants amounted to 28 percent of the jail population. The average daily jail population is 150, and the average length of stay of illegal immigrants was 109 days. The total cost for detention came to \$614,354, with an additional \$91,575 in medical expenses for inmates and the services of a jail counselor. Combined cost to the Cochise County Sheriff for patrol, investigation, administration, and detention is \$2.9 million. (The sheriff received \$156,824 from SCAAP.) As shown in the table below, the addition of \$447,095 for general government services brings the total cost to \$3,505,722.

Table A8: Cochise County Sheriff Impact

Division	General Fund	% Impact	Cost
Patrol	\$ 2,402,881	60%	\$ 1,441,729
Investigation	\$ 518,269	25%	\$ 129,567
Administration	\$ 1,790,382	40%	\$ 716,153
Detention	\$ 2,427,153	28%	\$ 679,603

Medical-counsel	\$ 327,054	28%	\$ 91,575
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Cost	Gen Gov	Total Cost
\$3,058,627	\$447,095	\$3,505,722

The sheriff's office, located in Bisbee, is only six miles from the border and the county's two ports of entry. More than 60 percent of the activities of the sheriff's patrol division are related to undocumented immigrants or drug- and people-smugglers. Citizens living within a 10-mile area of the border make most of the calls to dispatch. Reported crimes, however, are not considered serious; burglaries are the most common offense. Activity is seasonal. Explains one official, "January and February bring heavy illegal entry attempts and the spring and fall are heaviest for drug smuggling."

Two-thirds of the arrests of criminal illegal immigrants are made by the sheriff's office (one-third of those in the summer). Often, from two to five immigrants together are taken into custody. They go through the booking process to a holding cell, where they receive a psychological profile by jail staff to determine which part of the jail is appropriate to house them in. Then jailers notify the Mexican consul in Douglas of their capture. Within 24 hours, deputies take them to justice court for formal arraignment. At this point, they are either bound over for trial or released on bond. If they remain in jail and receive a sentence of over 366 days, they are transferred to the state prison and become state prisoners. The largest impact on costs involving non-serious crimes occurs at the beginning point of contact: the dispatch center and the field deputy. Time spent on illegal immigrants is measured by number of phone calls and patrol logs. The sheriff also performs some search and rescue operations that occasionally involve illegals. While not a significant cost to the budget, the sheriff's office additionally lends support to the Border Patrol and municipal police departments in Douglas and Sierra Vista.

With no central population centers in the county, deputies are spread thin around the jurisdiction's 6,256 square miles. The sheriff operates five substations in addition to central operations and the detention center in Bisbee; they are located in Douglas, Sierra Vista, Benson, Willcox and Elfrida, and deputies reside near their substations. Activities that involve investigating and responding to illegal immigrants pull deputies away from their substation area and redirect them to the border area, "...forcing reprioritization of service calls throughout the county." Further, activities that are outside of a scheduled patrol nearly always require overtime pay. For example, a deputy may go home after working a 14-hour day in his or her area only to be called to Naco because no other deputies are available.

According to deputies, cases typically involve trespassers, many of whom break into barns or are found hiding under tractors and trailers. When deputies arrive, they decide if there has been a violation of state law or if they appear to be undocumented. If no serious crime has been committed, deputies call Border Patrol and wait for their arrival. Most property along the border is privately owned, so the sheriff has a state-mandated duty to remain and protect the property. Naco and Douglas experience about the same level of crime on a per capita basis, according to officials, and Sierra Vista is also beginning to get large groups coming through town attempting to reach public transportation. As a result, the Sierra Vista Police Department is now strapped for

resources. Added one sheriff's deputy, "From five to 30 immigrants a day cross my own property in Benson."

Trespassing on private property is so prevalent in Cochise County that a great deal of time is now spent on garbage cleanup, and citizens have formed a landfill steering committee to determine who or what agency should pay the tipping fees of clean up. Citizen patrols have also cropped up in response to the rising incidence of trespassing. One deputy reported that ranchers can deter anywhere from 300 to 600 illegal crossers in a single group on their property. Ranchers, especially within the first half-mile of the border, have occasionally reported some acts of terrorism intended to prevent them from making phone calls to authorities. Moreover, on the other side of the border, an emerging criminal activity involves preying on groups of immigrants preparing to cross. Rape, robbery, servitude and beatings are becoming more common, and Mexican officials are contemplating putting together teams to blend in with the immigrants to prevent these incidents.

In case of a medical emergency for an illegal immigrant inmate, the sheriff must perform the screening. If hospitalization is required, a deputy then transports the prisoner to the hospital and remains with him for the entire period of hospitalization. Detention officers are specially trained for this job. Often if the immigrants are bonded out from jail or placed on their own recognizance and they fail to appear, a bench warrant is issued. If they are captured, they enter the criminal justice system for a second time.

### Cochise County County Attorney

Costs to the county attorney were estimated to be \$171,232. The audited general fund expenditures were \$1.3 million, 69 percent of which finances the department's criminal division (\$889,098). The criminal illegal immigrant caseload was estimated by department officials to be 15 percent, or \$133,365. The county attorney also prosecutes juveniles; that caseload is "conservatively" estimated to be 15 percent, or \$15,000 out of the \$100,000 juvenile division budget. (Many juveniles are residing in Cochise County illegally but claim legal status, so this estimate is low.) The county attorney's portion of general government services amounts to \$22,867, as shown in table A9.

Table A9: Cochise County Attorney Impact

Gen Fund	Crim Budget	Impact	Gen Gov	Total Cost
\$1,285,639	\$889,098+\$100,000	15%	\$22,867	\$171,232

Burglary and theft constitute the majority of criminal illegal immigrant charges prosecuted by the county. Very few cases actually go to trial. Most plea bargain, but all defendants spend time in jail. Statistics generated by the office indicate that out of 506 files of indictments, 256 were prosecuted, 104 of which had undocumented alienage. They required a total of 7,836 case days, or an average case length of 81.6 days. They remained in jail during that period.

## Cochise County Indigent Defense

Estimated costs for indigent defense of criminal illegal immigrants is \$260,495. Cochise County's indigent defense system consists of the county departments of public defender and legal defender. A third component is contract defense counsel appointed by the bench under the budget item of "mandatory indigent defense." Total general fund expenditures for the indigent defense system were \$1.7 million.

Officials estimate that the caseload impact of criminal illegal immigrants was 11 percent. However, the extra work required to defend undocumented defendants adds another 2 percent, bringing the impact to roughly 13 percent (see below). The cost estimate for indigent defense services to illegal immigrants is \$227,495, plus \$33,000 in general government services, as seen in table A10.

Table A10: Cochise County Indigent Defense Impact

Gen Fund	Impact	Cost	Gen Gov	Total Cost
\$1,749,961	13%	\$227,495	\$33,000	\$260,495

Officials report that most cases involving undocumented immigrants come first to the public defender. The public defender typically handles from 50 percent to 80 percent of these original cases. In cases of conflict of interest, the list of remaining defendants is then sent to the legal defender. If a conflict still exists (i.e., multiple defendants), the bench will appoint a private defense attorney who is under contract with the county. Attorneys in both offices explain that they are hampered by a shortage of attorneys who speak Spanish. The process of defending criminal illegal immigrants includes transcribing, translating and investigating, making long-distance phone calls to Mexico, and educating defendants in the American criminal justice system, particularly the concept of "trial." (Most of the defendants have minimal formal education, three to six years only.) Because of the lack of Spanish-speaking attorneys, bi-lingual county secretaries often must travel into Mexico to perform investigative fieldwork. Moreover, only one attorney (bi-lingual) in the public defender's office handles undocumented immigrants, which diverts her from more serious cases. Using contract attorneys, who charge by the hour, drives up the cost of indigent defense significantly. Additional expenses are also incurred with the use of interpreters, bi-lingual court reporters, and witnesses. As one defense attorney explains:

Actually, the UDA [undocumented alien] cases often take a bit more work. They always require the services of an interpreter. I have learned a little Spanish and can speak it minimally. Another attorney in our office is headed for Mexico for a second, longer (3 month leave of absence, unpaid) course in Spanish. When he returns he will be fairly fluent. Until then, we have an investigator who is reasonably fluent and can

accompany the attorney to the jail to talk with clients. So that is more expensive: two people instead of one talking to one client. You also need to know that the court interpreter is needed to translate documents from Mexico, and to work at every court appearance. This increases the cost of defending and prosecuting all Spanish-speaking defendants.

According to officials, many undocumented defendants provide local addresses, but they are usually fabricated. Non-citizens also include the category of "border crosser," someone who has a travel card to enter for work on a daily basis but commits a felony. Documented citizens in multi-party crimes also involve non-citizens, further complicating a case. On rare occasions when four or five defendants are arrested for the same crime, they will implicate each other, eliminating the need to hire contract attorneys. When defendants all agree, of course, there is no conflict of interest and the public defender handles the case.

## Cochise County Justice Court

The cost to the six justice courts was estimated to be \$90,163. An additional \$14,000 was included for general government services for a total of \$104,163. Estimates were compiled by the superior court administration staff through interviews with justices of the peace, justice court administrators, and clerks. The combined general fund expenditure of the six courts was \$1.3 million. Since the justice courts handle civil and traffic cases as well, an estimate was first made of each court's criminal workload, followed by an estimate of that workload devoted to illegal immigrants and border crossers. Table A11 shows workload impact and table A12 shows cost impact.

Table A11: Cochise County Justice Court Workload Impact

Justice Court	# 1	# 2	# 3	# 4	# 5	# 6
Crim Caseload	40%	75%	65%	65%	37%	20%
Impact	10%	30%	4%	7%	1%	10%

The criminal workload and illegal immigrant caseload depends on the location of the court. Justice Court # 2, for example, is located in Douglas. Justice Court # 5 is located in Sierra Vista, and Justice Court # 6 in Bowie, a small, unincorporated community in the northeast part of the county.

Table A12: Cochise County Justice Court Cost Impact

Gen Fund	Impact	Cost	Gen Gov	Total Cost
\$1,289,268	varies	\$90,163	\$14,000	\$104,163

## Cochise County Clerk of Superior Court

The clerk of superior court's general fund budget was \$787,633. Clerks estimate that 41 percent of their workload is related to criminal cases. "Using a pretty extensive sampling method," explains one clerk, "we came up with the figure of 26 percent of criminal cases involving illegal immigrants/border crossers." The cost estimated for the clerk of superior court of providing services to criminal illegal immigrants was \$83,962. The addition of \$12,242 in general government services brings the total to \$96,903, as shown in table A13.

Table A13: Cochise County Clerk of Superior Court Impact

Gen Fund	Crim Budget	Impact	Cost	Gen Gov	Total Cost
\$787,633	\$322,930	26%	\$83,962	\$12,941	\$96,903

Illegal immigrants charged with state crimes generally go before a grand jury and do not receive a preliminary hearing. Most of them plead down, but they still remain in jail. (Some are also indicted who haven't been to jail yet.) There is an impact on jury selection, however, because people get called to serve on a jury and then the defendant pleas out.

### Cochise County Superior Court

The estimated cost to the superior court of providing services to criminal illegal immigrants and border crossers is \$205,417. An additional cost of \$33,045 is added as general government services, for a total of \$238,462. General fund expenditures for all court operations amounted to \$1.5 million. Operations include four superior court divisions (\$684,828), court administration (\$520,194), court security (\$149,853), interpreters (\$99,141), and jury commissioners (\$74,402). Court personnel estimated that the overall workload of superior court for criminal cases is 56 percent. Further, the percentage of criminal cases that are illegal immigrant or border crosser is 24 percent. These court statistics are provided in table A14.

Table A14: Cochise County Superior Court Impact

Gen Fund	Crim Budget	Impact	Cost	Gen Gov	Total Cost
\$1,528,418	\$855,904	24%	\$205,417	\$33,045	\$238,462

### Cochise County Adult Probation

The estimated cost to the adult probation department of providing services to criminal illegal immigrants is \$38,856. Six thousand dollars was added as the cost of general government services, for a total of \$44,856. Expenditures covered by the general fund amounted to \$277,300 (the major part of this department is funded by the state). Department officials estimated that the number of pre-sentence investigations (PSI) conducted on criminal illegal immigrants was 205 and that each investigation and subsequent report took eight hours. They also estimated that it took 30 minutes to review each PSI. Most illegal immigrants plea bargain (95 percent), and work done on unsupervised probation cases consists of sending termination notices. The time spent on



undocumented immigrant cases for management information services and criminal history checks is also included. During 1999 there were also 220 additional interactions with undocumented cases that were still open from previous years. Further, according to one official, "The federal government dumps some of its probation cases on us." These tend to be port-of-entry drug and vehicle theft cases. Workload devoted to processing criminal illegal immigrants was estimated to be about 14 percent of the department's total workload. Calculations for various aspects of processing are arrayed below, followed by cost estimates in table A15.

PSI = 205 X 8 hours X \$19 = \$31,160  
 PSI review = 205 X 30 minutes X \$25 = \$2,563  
 Termination notification = 52 hours per year X \$19 = \$988  
 MIS = 75 hours per year X \$17 = \$1,275  
 Criminal history check = 205 X 1 hour X \$14 = \$2,870

Table A15: Cochise County Adult Probation Impact

Gen Fund	Cost	Gen Gov	Total Cost
\$277,300	\$38,856	\$6,000	\$44,856

### Cochise County Juvenile Court Center

The estimated cost to the juvenile court center is \$167,505. An additional \$43,314 in general government services brings the total to \$210,819 (see table A16). A good portion of this department is state-funded; general fund expenditures amounted to \$1,271,969. The juvenile court center primarily provides detention services (\$666,196) and probation services (\$563,121). Juvenile court center officials estimate that about 9 percent of the average daily inmate population is illegal and that the average length of stay for them is 16.7 days. Out of 513 detainees in 1999, 45 of them were undocumented. Most illegal juvenile inmates are picked up for drug trafficking, burglary, or possession of marijuana. The incidence of "casual crime" has declined significantly since the border wall was erected at Douglas in 1998. One official defined the casual criminal in this way: "They are not professionals. They run into a house, grab a VCR, and run back across the border."

Probation services for illegal juveniles consume from 10 percent to 13 percent of the department's workload. Probation officers track illegal juvenile cases from detention to hearing to adjudication to resolution. A lot of time is spent attempting to reach parents in Mexico, which includes telephone costs, insurance, and sending staff across the border to search for documentation or locate family. Occasionally, psychic-evaluation tests are also conducted, at a cost of \$500 each.

Table A16: Cochise County Juvenile Court Center Impact

Detention Budget	Impact	Cost	Probation Budget	Impact	Cost	Gen Gov	Total Cost
\$666,196	15%	\$99,930	\$563,121	12%	\$67,575	\$43,314	\$210,819

## Cochise County Emergency Medical Services

The aggregate estimated costs for illegal emergency medical services, autopsies, and burials amount to \$68,404. Added to these costs is \$13,531 in general government services for a total of \$81,935 (see table A17 for details). The county's contribution to AHCCCS was \$6.8 million; the portion that funds SES amounts to \$19,933. Burials are about \$750 a piece, and only two out of the 20 indigent burials were of illegal indigents. According to the county's medical examiner, about 6 percent of the autopsies performed were on illegal indigents. Not included in these medical estimates is the cost for ambulance service, which the county subsidized for \$103,254. (No records are available on the number of undocumented ambulance users. Moreover, the county subsidy for ambulance service disappears in 2001.) Estimates are likely very conservative: One health department official explained that the number of undocumented residents is significant in Cochise County. They reside with legal residents and can easily provide electric bills or other documentation to prove residency.

Table A17: Cochise County Emergency Medical Impact

Eligibility	Medical (SES)	Autopsy	Burial	Gen Gov	Total Cost
\$39,315	\$19,933	\$7,656	\$1,500	\$13,531	\$81,935

## SANTA CRUZ COUNTY, ARIZONA

Santa Cruz County is located in the south central part of Arizona. The county serves as a major transportation route connecting Mexico Highway 15 with the United States via Interstate-19 and Interstate-10. Seventy percent of the nation's winter produce enters through Nogales, Santa Cruz County's larger municipality. Trade, commerce, and some ranching anchor the county's economy, and *maquila* (bi-national) plant operations abound. The county's assessed value was \$185.3 million and the property tax rate was \$3.2487 per \$100 of assessed valuation. The general fund amounted to \$16 million, with a total budget of just under \$30 million. Santa Cruz County spent \$6 million on law enforcement and criminal justice, which amounts to 37.5 percent of the general fund and \$159 per resident. Two incorporated municipalities lie in Santa Cruz County. Nogales, the county seat, is a shopping mecca for Mexicans and the dominant population center in the region. The other is the Town of Patagonia, northeast of Nogales, a tiny ranching community. Other population enclaves include Sonoita, Tubac and Rio Rico. Santa Cruz County is in the process of establishing a community college system. With a population of 39,150 and a land area of just 1,246 square miles, the county is the smallest of Arizona's border counties in terms of area, population and public resources.

### Santa Cruz County's Border Environment

Santa Cruz County hosts two of the major ports of entry along the Mexican border. Nogales is the busiest of Arizona's seven ports of entry. Arizona's Nogales faces the largest border city in the State of Sonora, also called Nogales. Sonora's Nogales has a population of well over 300,000 (though census estimates are much lower), with several more municipalities lined along Mexico Highway 15 south to Guaymas. Sonora's capital of Hermosillo, just 150 miles south, has a population of nearly one million. Such population disparity and illegal entry pressures place significantly disproportionate pressures on the fiscal resources and taxpayers of Santa Cruz County.

The three ports of entry along Santa Cruz County's 56-mile border comprise two in downtown Nogales and one a few miles west. They have been modernized and expanded in recent years. In 1999 the number of persons crossing into the United States through Nogales amounted to 14,774,813. Entries into the county compose 43 percent of all crossings into Arizona. The number of illegal immigrant apprehensions by the Border Patrol amounted to 86,529, or 16.3 percent of all federal apprehensions in Arizona. The Border Patrol operates one station, in Nogales.

Undocumented immigrants who are apprehended on one state felony or two or more misdemeanors are jailed and processed. The Nogales Police Department makes about 70 percent of those arrests and the Santa Cruz County Sheriff's Office makes 30 percent. Table A18 presents some Santa Cruz County border statistics.

Table A18: Santa Cruz County Border Statistics

Population	Square mi.	Border Length	INS Crossings	Border Patrol Apprehensions	Ports-of-Entry
38,116	1,268	56 miles	14.8 M	86,529	3

Sources: Census Bureau, INS, Border Patrol

## Costs of Illegal Immigration on Law Enforcement, Criminal Justice and Emergency Medical Services

Estimated costs to Santa Cruz County for providing services to criminal illegal immigrants is \$2,152,663. This includes \$385,684 in general government services. The cost for every resident was \$55. Cost studies were conducted on the departments of sheriff, county attorney, justice court, clerk of superior court, superior court, adult probation and juvenile court center. Estimates for indigent defense, which is contracted out, were provided by several departments. Costs were also estimated for medical emergency care, burials and autopsies performed on all illegal immigrants. A site visit was made in March 2000 and additional interviews were conducted in Tucson and Phoenix. Follow-up to the site visit consisted of numerous telephone calls, e-mails, and faxes. Three previous studies,<sup>3</sup> budget documents, court records, and available departmental statistics were also consulted. Both preliminary and final estimates were given to county officials for review. Table A19 presents total cost estimates for the county, and the section following provides a breakdown of estimates by department.

Table A19: Santa Cruz County Costs by Department  
County Total: \$2,152,663

Sheriff	County Attorney	Indigent Defense	Justice Courts	Clerk of Superior Court	Superior Court	Adult Probation	Juvenile Center	Emergency Medical
\$1,370,480	\$128,940	\$115,130	\$95,868	\$64,990	\$156,320	\$149,528	\$55,255	\$16,152

### Santa Cruz County Sheriff

General fund expenditures for the sheriff were \$2.7 million. The portion for patrol, investigation and administration ("Patrol" in the table) is about 49 percent of the budget, and that for detention is about 51 percent. The total cost of apprehending, investigating, and detaining illegal immigrants is estimated to be \$1,376,480, which includes \$230,000 in costs for general government services, as shown in table A20.

The most common crime committed by illegal immigrants in Santa Cruz County is burglary. The average daily jail population was about 65 inmates in 1999. The average daily inmate count that is criminal illegal immigrant is 35, or 54 percent of the total inmate population. Criminal illegal immigrants stay an average of 68 days. Jail officials indicate that inmates typically spend one month in jail before trial, another three weeks during trial, and approximately three more weeks after sentencing. Estimated costs for detention, which include medical care and transportation, amounts to \$743,586. A payment from SCAAP was \$173,800. Processing and handling criminal

illegal immigrants places an estimated burden of about 30 percent on patrol, investigation, and administration; those costs amount to \$396,900.

Table A20: Santa Cruz County Sheriff Impact

Division	Budget	Impact	Cost
Patrol	\$1,323,000	30%	\$396,900
Detention	\$1,377,000	54%	\$743,580

Cost	Gen Gov	Total Cost
\$1,140,480	\$230,000	\$1,370,480

### Santa Cruz County County Attorney

Arizona county attorneys handle both civil and criminal cases. About 66 percent of the county attorney's workload is devoted to criminal cases. That portion of the general fund budget is \$450,000. The county attorney processed 550 adult felonies and 345 juvenile felonies. (These figures do not include bad check cases, revocations or forfeitures.) About 23 percent of these cases were identified as illegal immigrants, all from Mexico. The portion of the county attorney's general fund budget spent on processing illegal immigrants comes to \$103,500. Another \$25,440 is added as general government services for a total of \$128,940 (see table A21).

According to county attorney officials, juvenile felony cases have declined in the last year because of the greater number of Border Patrol officers in the downtown Nogales area. Opportunities for shoplifting and car theft have been minimized.

Table A21: Santa Cruz County Attorney Impact

Gen Fund	Crim Budget	Impact	Cost	Gen Gov	Total Cost
\$674,322	\$450,000	23%	\$103,500	\$25,440	\$128,940

### Santa Cruz County Indigent Defense

Santa Cruz County does not have a public defender or legal defender. All indigent defense is contracted out to private attorneys. The total general fund budget for indigent defense was \$256,580. According to officials in several departments, from 60 percent to 70 percent of all felony cases in the county receive public defense, and 100 percent of illegal immigrants are assigned a court-appointed attorney. Just under 36 percent of indigent defendants were illegal immigrants. The estimated cost for defending illegal immigrants comes to \$92,369, and an additional \$22,761 for general government services brings the total to \$115,130, as the table below indicates.

Table A22: Santa Cruz County Indigent Defense Impact

Gen Fund	Impact	Cost	Gen Gov	Total Cost
\$256,580	36%	\$92,369	\$22,761	\$115,130

### Santa Cruz County Justice Court

Santa Cruz County has two justice court precincts. The combined general fund budget was \$403,452. The justice court in Nogales is the busier, spending 78 percent of the budget. Justice courts handle criminal, civil and traffic cases, and officials estimate that about 53 percent of the court's workload is devoted to criminal work. The caseload percentage of illegal immigrants is consistent with that of the county attorney, just below 36 percent. The estimated cost of providing services to criminal illegal immigrants is \$76,979, with another \$18,889 added for general government services. The department total is \$95,868, as the table presents.

Table A23: Santa Cruz County Justice Court Impact

Gen Fund	Crim Budget	Impact	Cost	Gen Gov	Total Cost
\$403,452	\$213,830	36%	\$76,979	\$18,889	\$95,868

### Santa Cruz County Clerk of Superior Court

Clerk of superior court handles both adult and juvenile criminal cases, as well as civil filings. The clerk's general fund budget was \$374,566, and the criminal portion of that budget is about 39 percent, or \$144,957. According to officials, the clerk's office processed the same percentage of illegal immigrant filings as did the county attorney and justice court. Estimated cost to the clerk of superior court is \$52,185, about 36 percent of the criminal budget. Added to that is the clerk's portion of general government services, \$12,805, for a total of \$64,990 (see table below).

Table A24: Santa Cruz County Clerk of Superior Court Impact

Gen Fund	Crim Budget	Impact	Cost	Gen Gov	Total Cost
\$374,566	\$144,957	36%	\$52,185	\$12,805	\$64,990

### Santa Cruz County Superior Court

The superior court consists of two divisions. The general fund budget was \$900,947. The bench's criminal workload consumes about 39 percent of the budget, or \$348,666. During the year, 246 adult criminal cases were filed and 352 juvenile cases were filed. About 36 percent of those cases were illegal immigrants. In addition to the two superior court judges and judge pro-tems, also involved in processing criminal illegal immigrants are judicial assistants, secretary-receptionists, interpreters, and bailiffs. Some interpreters are under contract as well. Estimated cost to the superior court is \$125,520. Another \$30,800 is added to cover general government services for a total of \$156,320, as table A25 shows.

Table A25: Santa Cruz County Superior Court Impact

Gen Fund	Crim Budget	Impact	Cost	Gen Gov	Total Cost
\$900,947	\$348,666	36%	\$125,520	\$30,800	\$156,320

### Santa Cruz County Adult Probation

The adult probation department is primarily funded by the State of Arizona. Expenditures from the county general fund amounted to \$226,200. All of the workload is related to criminal activity, and about 53 percent of the probation department's workload, which includes unsupervised probation and pre-sentence investigations, involved undocumented immigrants. Estimated costs to the probation department are \$120,000 for unsupervised probation services and performing pre-sentence investigations on illegal immigrants. As table A24 indicates, an additional \$29,528 is added for general government services, bringing the total to \$149,528. One hundred twenty-six illegal immigrants out of 236 were under supervision, or about 53 percent. This caseload figure does not include intensive probation, which is funded by the state.

Table A26: Santa Cruz County Adult Probation Impact

Gen Fund	Impact	Cost	Gen Gov	Total Cost
\$226,200	53%	\$120,000	\$29,528	\$149,528

### Santa Cruz County Juvenile Court Center

Juvenile court services include supervised probation, unsupervised probation, and detention. The general fund budget for juvenile detention alone was \$430,000. A total of 299 juveniles were detained in 1999, and 30 (roughly 10 percent) were undocumented. Costs include medical care and education, which is mandated by the state and requires hiring a half-time bi-lingual teacher. Estimated costs of detaining criminal illegal juveniles was \$43,000, plus \$12,255 in general government services, totaling \$55,255, as shown in table 27. The number of juvenile illegal immigrants receiving other probation services is not available.

Table A27: Santa Cruz County Juvenile Court Center Impact

Gen Fund (detention)	Impact	Cost	Gen Gov	Total Cost
\$430,000	10%	\$43,000	\$12,255	\$55,255

### Santa Cruz County Emergency Medical Services

Like all Arizona counties, Santa Cruz County finances emergency medical care for non-resident indigents through its contribution to the state SES program. Santa Cruz County's contribution was \$428,832, so the 9/10 of 1 percent to SES was \$4,345. The general fund expenditure for determining eligibility was \$220,200. About 65 percent of the 1,258 determinations made in 1999 were denied, and about 5 percent of those denied were undocumented immigrants. The cost of conducting eligibility determinations on illegal immigrants came to \$7,177. The total estimate for emergency health care for illegal immigrants amounted to \$11,522. Santa Cruz County buried four

illegal immigrants (out of 452) for a cost of \$1,800, but performed no autopsies on illegal immigrants. The addition of \$2,830 in general government services brings the total to \$16,152. Table A28 shows these statistics.

**Table A28: Santa Cruz County Emergency Medical Impact**

Eligibility (SES)	Medical	Autopsies	Burials	Gen Gov	Total Cost
\$7,177	\$4,345	\$0	\$1,800	\$2,830	\$16,152

## **PIMA COUNTY, ARIZONA**

Pima County lies in south central Arizona. The largest of Arizona's border counties in terms of both population and area, the county's population was about 803,618, making it the second largest of the 24 border counties behind San Diego County. Pima County's 9,240 square miles include 126 miles of border, two Indian reservations, and several federal and state parks. The county has five incorporated municipalities. Tucson is the largest with a population of 450,000; the others are Marana, Oro Valley, Sahuarita and South Tucson with a combined population of 34,000. Other population enclaves include Ajo, Green Valley, Catalina, Casas Adobes, and Vail. Arizona's land grant institution, the University of Arizona, is located in Tucson, as well as Arizona International College, an extensive community college system, and several private colleges. The general fund budget was \$246 million, and the total budget was \$748 million. Pima County's assessed valuation was \$3.9 billion, and the county property tax rate was \$3.6852 per \$100 of assessed valuation. General fund expenditures for law enforcement and criminal justice were \$132 million, comprising 54 percent of the general fund. The per capita expenditure for law enforcement and criminal justice in Pima County was \$161.

### **Pima County's Border Environment**

The county's two ports of entry, at Lukeville and Sasabe, are in remote desert and not heavily traveled. About 170,000 crossings were reported by INS in 1999. Only 60,000 apprehensions were made by the Border Patrol, which operates two stations, at Tucson and Ajo. Vast stretches of desert along the southern and western parts of the county through the Tohono O'odham and Pascua Yaqui Indian Reservations make illegal entry dangerous; over 50 immigrants perished and many more were seriously injured in the first six months of 2000 alone. Moreover, two interstates serve as major people-smuggling routes and lead to additional deaths and injuries from van roll overs. The western part of the State of Sonora is lightly populated as well. Sonoyta, Puerto Penasco, Caborca, and other small towns have a combined population of about 108,000. Table A29 arrays some of these border statistics.



**Table A29: Pima County Border Statistics**

Population	Square miles	Border length	INS Crossings	Border Patrol Apprehensions	Ports-of-entry
803,789	9,240	126 mi	170,000	60,000	2

Sources: Census Bureau, INS Border Patrol

### **Costs of Illegal Immigration on Law Enforcement, Criminal Justice and Emergency Medical Services**

The costs for providing law enforcement and criminal justice services to criminal illegal immigrants is estimated to be \$12.9 million, which includes \$4.6 million in emergency medical services and \$800,000 in general government costs. This translates into a per capita cost of \$16. The following section provides a breakdown of costs by department. Dozens of officials were interviewed: department and division heads, jailers, prosecutors and defenders, elected officials, technical experts, and administrators. Available statistical records were consulted as well as budget and court documents, SCAAP applications, and newspaper accounts. Follow-up was conducted through second site visits, telephone and e-mail interviews, and faxes. Department heads were provided with final cost estimations for review. Table A30 presents total and departmental cost estimates for Pima County.

**Table A30: Pima County Costs by Department**  
County Total: \$12,850,511

Sheriff	County Attorney	Indigent Defense	Justice Courts	Clerk of Superior Court	Superior Court	Adult Probation	Juvenile Center	Emergency Medical
\$6,032,764	\$450,421	\$623,282	\$208,339	\$36,342	\$520,443	\$132,308	\$254,967	\$4,591,645

### **Pima County Sheriff**

General fund expenditures for the sheriff totaled \$58 million. Jail operations comprised 42 percent of the budget, for \$24.3 million. Patrol, investigation and administration ("patrol" in tables) operations comprised 48 percent, for \$33.7 million. Patrol and investigation deputies estimate a criminal illegal immigrant impact on workload of from 3 percent to 5 percent. The two sheriff substations closer to the border, in Green Valley and Ajo, have higher impacts, from 4 percent to 9 percent. An average of 4 percent was used to estimate costs to the patrol, investigation and administration side of the sheriff's budget, for \$1,348,200. The cost for detaining criminal illegal immigrants was estimated to be \$4,366,440. This estimate is based on 4,851 criminal illegal immigrant inmates (out of an annual population of 515,380) whose average length of stay was 19 days. The Tucson Police Department makes about 70 percent of arrests, the majority of which involve burglary, auto theft, and multiple DUIs, and the sheriff's office makes 30 percent. A general government services cost of \$318,124 brings the total to just over \$6 million. (A payment of \$956,000 was received from SCAAP.) Table A31 presents calculations.

Table A31: Pima County Sheriff Impact

Division	Budget	Impact	Cost
Patrol	\$33,704,999	4%	\$1,348,200
Detention	\$24,258,000	18%	\$4,366,440

Cost	Gen Gov	Total Cost
\$5,714,640	\$318,124	\$6,032,764

### Pima County County Attorney

The county attorney's general fund expenditures totaled \$12.2 million. The criminal division consumes about 60 percent of the workload, or \$7.3 million. Added to that are expenditures for the 88-Crime unit, victims' witness unit, and a portion of administration for a total criminal budget of \$9.8 million. Estimated cost to the county attorney's office is \$437,221 for processing illegal immigrants. The addition of \$13,200 in general government services brings the total to \$450,421, as table A32 indicates.

Data collected by the county attorney's "issuing attorneys" and the superior court's pre-trial services indicate that about 9 percent of adult felony arrestees are illegal immigrants, and about 6 percent of adult misdemeanor arrestees are illegal. Six hundred ninety-six illegal immigrants were reviewed by issuing attorneys, and approximately 369, or 53 percent, went on to impact superior court and other departments (4.5 percent of total felony caseload). Misdemeanor workload is not included.

Table A32: Pima County Attorney Impact

Gen Fund	Crim Budget	Impact	Cost	Gen Gov	Total Cost
\$12,150,690	\$9,716,022	4.5%	\$437,221	\$13,200	\$450,421

### Pima County Indigent Defense

The system of indigent defense consists of the offices of public defender, legal defender, and the use of contract attorneys. Total expenditures for indigent defense amounted to \$13.5 million. (The cost for contract attorneys was \$4.3 million, 32 percent of total expenditures.) Neither the public defender, legal defender, nor the contract attorney administrator tracks the number of cases of undocumented immigrants, but they estimate that the 4.5 percent caseload in the county attorney's office and pre-trial services would apply to their caseloads as well. It is assumed that the percentage of cases in the public defender's office holds for the legal defender and contract

attorneys. Costs to the indigent defense budget is estimated to be \$606,470. An additional \$16,812 in general government services brings the estimate to \$623,282, as table A33 presents.

**Table A33: Pima County Indigent Defense Impact**

Gen Fund	Impact	Cost	Gen Gov	Total Cost
\$13,477,110	4.5%	\$606,470	\$16,812	\$623,282

### **Pima County Justice Court**

Justice court consists of seven precincts. Five are consolidated in Tucson, and the other two operate in Green Valley and Ajo. Total expenditures for all courts were \$4.1 million (85 percent in Tucson's court). About 65 percent of the justice court workload is devoted to criminal cases, for a criminal budget of \$2.6 million. Criminal cases are further divided into felonies (23 percent), misdemeanors (46 percent), and criminal traffic (31 percent) cases. Each of these divisions incurs different impacts consistent with those of pre-trial services and the issuing attorneys—9 percent for felony cases, 6 percent for misdemeanors, and 6 percent for criminal traffic cases. The caseloads of illegal immigrants on the Green Valley and Ajo justice courts are higher: 12 percent and 8 percent, respectively. Estimated cost of providing services to criminal illegal immigrants is \$196,658. An additional \$11,681 in general government costs brings the total to \$208,339, as shown in table A34.

**Table A34: Pima County Justice Court Impact**

Gen. Fund	Crim Budget	Impact	Cost	Gen Gov	Total Cost
\$4,069,733	\$2,645,326	Various	\$196,658	\$11,681	\$208,339

### **Pima County Clerk of Superior Court**

Total general fund expenditures for the clerk of superior court amounted to \$5.2 million. Approximately 15 percent of the court clerk's workload is devoted to criminal cases, for a criminal budget of \$780,000. In 1999 the office handled about 4,361 criminal filings. While the office does not systematically track illegal immigrant cases, clerks offered a rough estimate of 3 percent. It is assumed that a more accurate estimate would be closer to the 4.5 percent to be consistent with that of the county attorney and pre-trial services. Estimated cost for processing criminal illegal immigrant cases is \$35,100; added to that is \$1,242 in general government services for a total of \$36,342 (see table A35).

**Table A35: Pima County Clerk of Superior Court Impact**

Gen Fund	Crim Budget	Impact	Cost	Gen Gov	Total Cost
\$5,200,000	\$780,000	4.5%	\$35,100	\$1,242	\$36,342

### **Pima County Superior Court**

The superior court operated with a \$16.7 million general fund budget. Court operations that relate to illegal immigrant cases include pre-trial services, adjudication, administration, calendaring, information services, interpreters, commissioners, and law library. The court estimates that 60 percent of its workload involves criminal cases, for a criminal budget of \$10 million. While civil filings outnumber criminal filings, criminal cases require a great deal more work. There were 7,602 arrests made. Of those, 696 were illegal immigrants. About half of those arrested on state felonies go on to be issued, so approximately 350 continued on through the courts, or about 4.5 percent. Cost to the superior court of adjudicating criminal illegal immigrants is estimated to be \$450,000. An additional \$70,443 is included to account for general government services for a total of \$520,443. Table A36 presents these statistics.

Table A36: Pima County Superior Court Impact

Gen Fund	Crim Budget	Impact	Cost	Gen Gov	Total Cost
\$16.7 million	\$10 million	4.5%	\$450,000	\$70,443	\$520,443

### Pima County Adult Probation

The Pima County Adult Probation Department receives funding from 17 different funds and grants. Only about 30 percent comes from the general fund, or about \$4.2 million. The cost of providing probation services to criminal illegal immigrants is estimated to be \$117,200. An additional \$15,108 for general government services brings the total to \$132,308, as presented in table A37 below.

The probation department provides numerous programs, including several types of supervision, pre-sentence investigations (PSI), and adult literacy instruction. Illegal immigrants as a rule only receive PSIs. The adult probation office conducted 3,808 investigations (extrapolated from three months of statistics). One hundred sixty-eight were conducted on illegal immigrants, for a caseload percentage of 4.4 percent. Pre-sentence investigations are estimated to cost an average of \$400 each in probation officer time and administration. They are conducted on felony cases only, so this figure does not include misdemeanor cases. The probation department estimates that the cost of conducting PSIs on illegal immigrants reached about \$67,200 in 1999. (These particular immigrants spent an average of 136 days in the Pima County Jail.)

While the department does not generally provide supervision to illegal immigrants, probation officers become involved if they return to Pima County while on probation and are brought to their attention. A number is allowed to remain in the county, and they receive regular probation supervision. According to officials, the courts are often reluctant to revoke probation status if the only charge is returning to the county. The department also becomes involved if these probationers are arrested. Arrest (or re-arrest) results in another investigation and report to the court, followed by one or more hearings requiring attendance of probation officers. This type of supervision is provided to about 50 criminal illegal immigrants a year at a cost of \$1,000 each. The additional \$50,000 brings the estimated cost in services to \$117,200.

Table A37: Pima County Adult Probation Impact

Gen Fund	Impact	Cost	Gen Gov	Total Cost
\$4,200,000	168 X \$400 + \$50,000	\$117,200	\$15,108	\$132,308

### Pima County Juvenile Court Center

Services for juveniles include calendaring, early intervention, detention, and probation. The general fund budget for these operations totaled \$9.3 million. (The juvenile court receives significant state funding and other grants.) The number and percentage of criminal illegal immigrant juveniles in the center is low. Impact to the general fund budget is estimated to be \$245,544 for both detention and probation. The additional cost for general government services---\$9,423---brings the total to \$254,967 (see table A38).

Fifty-eight illegal juveniles were detained, all Mexican citizens. Their average length of stay during that year was five days, for a total cost of \$34,800. There are a few illegal juveniles who receive supervision, and illegal juveniles who are brought in to the center, whether they are detained or not, all require unsupervised probation. In addition, the center has from 20 to 30 illegal juveniles on supervised probation because they reside (illegally) with relatives in Pima County. The cost for these illegal immigrants is not included. Probation costs only are estimated to be \$210,744.

Table A38: Pima County Juvenile Court Center Impact

Detention Budget	Impact	Cost	Probation Budget	Impact	Cost	Gen Gov	Total Cost
\$4,074,214	<1%	\$34,800	\$1,848,727	11.4%	\$210,744	\$9,423	\$254,967

### Pima County Emergency Medical Services

Pima County is the only county along the border that owns and operates its own hospital. Called Kino Hospital, it is budgeted as an enterprise fund, but it received an infusion of \$18.4 million from the county general fund in FY 1999. Hospital officials do not track the alienage of patients, but indicators such as lack of social security number or a local address suggest an absence of documentation. Investigators determined that a conservative estimate of costs of providing emergency medical services to illegal immigrants to Kino Hospital is \$1,840,000, or an impact of 10 percent.

The county's contribution to AHCCCS was \$30.2 million; the SES portion was \$271,497. Further, Pima County also had one illegal immigrant receiving long-term care at a cost of \$28,000 per year (his year of birth is 1956 and he is expected to remain in the county's care for the rest of his life.) Pima County spent \$650,000 on pre-AHCCCS medical care before eligibility was determined. Illegal immigrants are coded when interviewed as eligible for emergency services only, and they comprised about 15 percent to 20 percent of those receiving pre-eligibility care for a cost of \$113,750.

The eligibility determination unit spent \$3.8 million to conduct 35,000 determinations. About half of those were denied. The state is responsible for all patients who are determined to be eligible within 48 hours. If a determination cannot be made within that time, the county assumes the cost of care. Illegal patients are either residing in the county illegally or are nonresidents. Illegal residents can qualify for medical care, and illegal nonresidents receive emergency care under SES. According to health department officials, costs for this second group are extremely high for AHCCCS, especially for births. Many illegal nonresidents are flown to hospitals or arrive by ambulance, all resulting in millions of dollars in uncompensated care.

According to officials, eligibility determinations on illegal patients are not routine applications. They take an inordinate amount of time to process, often requiring home visits or phone calls to Mexico or Canada. Many will falsify claims of residency, even though they have addresses in another country. Claimants will also withdraw from the process after staff has invested a lot of time in making determinations. As many as 5,200 withdrew from the process at various stages, and they were identified as undocumented. Clients often receive multiple denials, many of which are made face-to-face. Between January and June 2000, for example, 27,414 determinations were made, of which 16.64 percent were approved. (Forty-one percent of applicants actually receive a face-to-face review; 35 percent of those were approved.) Thousands of applicants never show up for their review, most of whom are likely undocumented. The cost of determining eligibility on undocumented patients is estimated to be \$1,609,864.

Pima County spent \$1.1 million on autopsies in 1999. Out of 1,300 cases, about 70 percent resulted in autopsies. Cause of death of illegals is typically heat or cold exposure from desert crossings, or from an occasional vehicle accident (van rollovers on interstates are alarmingly more frequent). The medical examiner performed autopsies on 42 illegal immigrants at a cost of \$38,500, or 5 percent of \$770,000. Burials of undocumented immigrants were estimated to be \$7,250. Records are not kept of nationality or immigration status; however, 1,000 requests were made for burial and 125 were approved. Total costs are presented in table A39.

Table A39: Pima County Emergency Medical Impact

Eligibility	Medical/SES	Hospital	Autopsies	Burials	Gen Gov	Total Cost
\$1,609,864	\$113,750 \$271,497 \$ 28,000	\$1,840,000	\$38,500	\$7,250	\$682,784	\$4,591,645

## YUMA COUNTY, ARIZONA

Located in the southwest corner of Arizona, Yuma County is separated from California by the Colorado River and from Mexico by desert. While much of the county is desert, the Colorado River Valley is rich farm land and sustains agriculture as a major part of Yuma County's economy. During winter months the county's population nearly doubles in size with the arrival of winter visitors. The county's year-round population is 135,614. Forty-eight percent live in the City of Yuma, the commercial center of the county (increasing to 68 percent in the winter). The other incorporated municipalities are San Luis (8,000), Somerton (5,800) and Wellton (1,100). Higher education includes a branch campus of Northern Arizona University and a community college. Yuma County is 5,561 square miles in area. Its assessed valuation was \$495 million and the county property tax rate was \$2.3180 per \$100 of assessed valuation. The general fund budget came to \$29.3 million and the total budget was \$128 million. Yuma County also levies a one-half cent sales tax for general purposes and a one-half cent sales tax for the county jail district. Expenditures on law enforcement and criminal justice amounted to \$18 million, or a \$135 expenditure for each resident. Yuma County spent 61 percent of its general fund on law enforcement and justice functions.

### Yuma County's Border Environment

Yuma County shares about 94 miles of border with Mexico, much of that uninhabited desert. The county has one port of entry, at San Luis, its second largest municipality. A total of 10,683,342 crossings into Yuma County were recorded for 1999. The Border Patrol operates three stations in the Yuma Sector Yuma, Wellton, and Blythe), which includes the southeast portion of California. The number of Border Patrol agents stationed in the Yuma Sector in 2000 was 310. Agents apprehended 87,939 illegal immigrants in FY 1999. The only Mexican city near the Yuma border, San Luis Rio Colorado, has a population of about 145,276. Table A40 presents some Yuma County border statistics.

Table A40: Yuma County Border Statistics

Population	Square Miles	Border length	INS Crossings	BP Apprehens	Ports of Entry
135,614	5,561	94	10 M	88,000	1

### Costs of Illegal Immigration on Law Enforcement, Criminal Justice and Emergency Medical Services

The estimated cost to Yuma County of providing services to criminal illegal immigrants is \$4.5 million, which includes \$293,645 in general government services. Each man, woman and child living in Yuma County paid \$33.37 for these extr services in FY 1999. During one site visit in February 2000, many county officials and one Border Patrol official were interviewed. Additional interviews were conducted in Tucson and Phoenix. Court records, budget documents, cost analyses, newspaper articles, and 1997 SCAAP data were reviewed. Follow-up inquiries were conducted by telephone, fax and e-mail. Preliminary and final cost estimates were given to

department heads for review. Table A41 contains total and departmental estimates, followed by a breakdown of costs by department.

Table A41: Yuma County Costs by Department  
County Total: \$4,525,740

Sheriff	County Attorney	Indigent Defense	Justice Courts	Clerk of Superior Court	Superior Court	Adult Probation	Juvenile Center	Emergency Medical
\$3,407,805	\$218,168	\$125,747	\$59,487	\$61,698	\$211,518	\$105,581	\$0	\$335,736

### Yuma County Sheriff

The sheriff's cost is estimated to be \$1,073,196 for patrol, investigation and administration ("patrol" in the table) functions. Detention costs are estimated to be \$2,105,522. (The county did not apply for payment from SCAAP in FY 1999 because of insufficient staffing and an anticipated low award.) Combined cost to the sheriff is \$3,178,718. A general government services cost of \$229,087 brings the estimate to \$3,407,805, as table A42 below shows.

Officials report that about 30 percent of patrol operations, 10 percent of investigations, and 25 percent of administrative services were spent on criminal illegal immigrants. The patrol function is the largest of the three, and a reasonable estimate of 25 percent was used for the \$4,292,785 patrol budget. The most frequent call that deputies receive is for burglary. One officer described a common situation that occurs south of the City of Yuma during harvesting season: "Illegal immigrants steal about \$2 million in agriculture equipment every year."

According to jailers, the Yuma Police Department makes roughly 65 percent of arrests and the sheriff makes about 35 percent. A 1997 application to SCAAP listed 154 illegal inmates in jail for an average length of stay of 17 days, or less than 2 percent of the annual jail population. (Yuma County's jail averages 420 inmates a day.) However, these statistics were collected when the jail did not have the technology to track sufficiently those illegal immigrants who had committed a state felony or multiple misdemeanors. Jailers indicate that "at least half" of those are illegal. A estimate of 20 percent of the jail population is more reasonable than 2 percent, but far more conservative than 50 percent and more consistent with other departments in the system (see below).

Table A42: Yuma County Sheriff Impact

Division	Budget	Impact	Cost
Patrol	\$4,292,785	25%	\$1,073,196
Detention	\$10,527,612	20%	\$2,105,522



Cost	Gen Gov	Total Cost
\$3,178,718	\$229,087	\$3,407,805

### Yuma County County Attorney

The county attorney's general fund budget was \$1.5 million. Consultants have estimated that the criminal division is allocated 70.64 percent of the budget, for a criminal budget of \$1 million. According to prosecutors, the number of pre-sentence investigations conducted by the adult probation department also reflects the criminal division's caseload: Out of 1,200 felony cases, about 240 were criminal illegal immigrants (20 percent). Twenty percent of the criminal division's budget is \$205,650. An addition of \$12,518 for general government services brings the total to \$218,168 (see table A43). The costs of prosecuting misdemeanors and juveniles were not available.

Table A43: Yuma County Attorney Impact

Gen Fund	Crim Budget	Impact	Cost	Gen Gov	Total Cost
\$1,455,616	\$1,028,247	20%	\$205,650	\$12,518	\$218,168

### Yuma County Indigent Defense

The indigent defense system in Yuma County consists of the office of public defender, the office of legal defender, and private attorneys on contract to the county. The total expenditure for indigent defense was \$1.6 million. According to officials, between 5 percent and 10 percent of the caseloads in both offices are criminal illegal immigrants. An average of 7.5 percent is used to determine the cost, for \$118,022. The addition of \$7,725 in general government services brings the total to \$125,747, as shown in table A44.

Table A44: Yuma County Indigent Defense Impact

Gen Fund	Impact	Cost	Gen Gov	Total Cost
\$1,573,632	7.5%	\$118,022	\$7,725	\$125,747

### Yuma County Justice Court

The general fund expenditure for the justice court's three divisions was \$907,307. Justice court administrators estimate that about 30 percent of the court's business is criminal-related, for a criminal budget of \$272,192. (The court in the City of Yuma has the highest volume; Wellton's handles traffic only, and Somerton's handles one-tenth the volume of Yuma's court [although,

according to administrators, Somerton's is growing substantially because of the magistrate's volume in San Luis.) Case filings totaled 25,548, and about 20 percent of those were illegal immigrants. Costs to the justice court are estimated at \$54,438. As table A45 shows, the addition of \$5,049 in general government services brings the total to \$59,487.

**Table A45: Yuma County Justice Court Impact**

Gen Fund	Crim Budget	Impact	Cost	Gen Gov	Total Cost
\$907,307	\$272,192	20%	\$54,438	\$5,049	\$59,487

### Yuma County Clerk of Superior Court

The clerk of superior court's general fund expenditure was \$852,123. Officials estimate that about 33 percent of the court clerk's business is related to criminal cases, for a criminal budget of \$281,201. Approximately 20 percent of those criminal filings are for offenses committed by illegal immigrants. The estimated cost for the clerk of superior court's office is \$56,240 for processing criminal illegal immigrants. An additional \$5,458 in general government services brings the total to \$61,698, as seen in table A46.

**Table A46: Yuma County Clerk of Superior Court Impact**

Gen Fund	Crim Budget	Impact	Cost	Gen Gov	Total Cost
\$852,123	\$281,201	20%	\$56,240	\$5,458	\$61,698

### Yuma County Superior Court

The superior court consists of five divisions. The court's general fund budget was \$1.6 million. With 5,659 criminal case filings in FY 1999, about three-fifths of the court's business is devoted to criminal work, for a criminal budget of \$960,815. The court's statistics are consistent with those of the adult probation department's PSIs on illegal immigrants: an impact of 20 percent on the court's criminal division. The cost to the superior court of processing criminal illegal immigrants is \$192,163. An additional \$19,355 in general government services brings the total to \$211,518, as shown in the table below.

**Table A47: Yuma County Superior Court Impact**

Gen Fund	Crim Budget	Impact	Cost	Gen Gov	Total Cost
\$1,601,359	\$960,815	20%	\$192,163	\$19,355	\$211,518

### Yuma County Adult Probation

The adult probation department conducts about 1,200 felony PSIs a year. Probation officers calculate that about 240, or 20 percent, are conducted on criminal illegal immigrants. The department's general fund expenditure was \$938,264 (adult probation also receives funding from the state and grants). As table A48 indicates, half of that expenditure, or \$491,632, covers the PSI component. Twenty percent of that component brings the cost of processing criminal illegal immigrants to \$98,326. Another \$7,255 is added to cover general government services for a total of \$105,581. Criminal illegal immigrants did not receive supervisory probation services.

**Table A48: Yuma County Adult Probation Impact**

Gen Fund	PSI Budget	Impact	Cost	Gen Gov	Total Cost
\$983,264	\$491,632	20%	\$98,326	\$7,255	\$105,581

### **Yuma County Juvenile Court Center**

According to juvenile court officials, the majority of juveniles in detention are illegal, but very few have committed state or local crimes. The children delivered by Border Patrol are not delinquent but simply awaiting deportation. For the most part they are "INS holds" and thus the costs for detention are reimbursed routinely by the federal government. However, there is some minimal impact; paperwork, interviews, a few phone calls, and one or two PSIs are occasionally required. The juvenile court center's budget is primarily funded with state grants, so the cost to the general fund is negligible.

### **Yuma County Emergency Medical Care**

Emergency medical care costs consist of the county's contribution to AHCCCS for SES and the eligibility determination function. The AHCCCS contribution was \$1.3 million, and the portion that covers SES was \$11,700. Out of a total \$8 million general fund budget for indigent health care, the eligibility determination component was \$1.1 million. The unit processed about 5,000 applications for indigent health care. (In July 2000, 457 applications alone were processed; about 25 percent were ineligible to receive benefits because they did not have documentation and could not prove residency.) This group consists not only of undocumented immigrants, but also of illegal residents and U.S. citizens who live in Mexico.

Applications for health care are kept open for 30 days, during which time many do prove residency, but, according to health department officials, "a lot of fraud and attempted fraud are uncovered through investigative work on the part of the department." The cost of providing emergency medical care to illegal immigrants is estimated to be \$293,158. The public fiduciary's budget for indigent burials was \$41,000. Records indicate that the county buries an average of 8.57 undocumented immigrants each year at a cost of \$740 a piece. Total cost of illegal immigrant burials is \$6,342, about 15.47 percent of the total number of burials. According to one official, the number of immigrant deaths requiring burials is increasing, and in early 2000, 12 were buried in a single month. Evidence such as the name "John Doe" and police reports indicates alienage. Records on alienage are not maintained by the medical examiner, however, but applying the same estimate of 15.47 percent as for burials provides a reasonable estimate of workload and cost. The general fund expenditure for medical examiner was \$125,000. Estimated cost of performing

autopsies on illegal immigrants is \$19,335. All costs under the category of emergency medical are estimated to be \$335,736, which includes \$5,198 in general government services. Table A49 arrays statistics.

**Table A49: Yuma County Emergency Medical Impact**

Eligibility	Medical	Autopsies	Burials	Gen Gov	Total Cost
\$293,158	\$11,700	\$19,338	\$6,342	\$5,198	\$335,736

## ARIZONA BORDER COUNTY SUMMARY

Arizona's four counties on the U.S.-Mexico border spent a combined \$24.2 million from their general funds in FY 1999 providing services to illegal immigrants for law enforcement, criminal justice, and emergency medical care. The total costs per county ranged from \$2.2 million to \$13 million. With a combined population of over 1.1 million people, each man, woman and child residing in these counties paid an average of \$22 to fund these extra services (the range was \$16 to \$55). Table A50 further shows the aggregate cost to each department in these counties. Sheriff's departments bore the greatest brunt, for a combined cost of \$14.3 million, or nearly 60 percent of all costs. The second hardest hit service area was emergency medical services, autopsies, and burials, for a total of \$5 million, largely because Pima County owns a hospital. The combined costs for indigent defense and superior court were both at \$1.1 million. It should be noted that defending criminal illegal immigrants is more expensive than prosecuting them. This could be because counties must hire contract attorneys at an hourly rate in order to handle the extra caseload with conflicts of interest. The federal government, through SCAAP, gave these counties \$1.3 million in compensation for the detention of some criminal illegal immigrants. Federal participation in this burden amounted to only 5 percent of the total cost to Arizona's border county citizens.

**Table A50: Arizona Border County Combined Costs by Department**

Department	Cochise	Santa Cruz	Pima	Yuma	Totals by Department
Sheriff	\$3,505,722	\$1,370,480	\$6,032,764	\$3,407,805	\$14,316,771
County Attorney	\$171,232	\$128,940	\$450,421	\$218,168	\$968,761
Indigent Defense	\$260,495	\$115,130	\$623,282	\$125,747	\$1,124,654
Justice Court	\$104,163	\$95,868	\$208,339	\$59,487	\$467,857
Clerk of Superior Court	\$96,903	\$64,990	\$36,342	\$61,698	\$259,933
Superior Court	\$238,462	\$156,320	\$520,443	\$211,518	\$1,126,743

Adult Probation	\$44,856	\$149,528	\$132,308	\$105,581	\$432,273
Juvenile Center	\$210,819	\$55,255	\$254,967	\$0	\$521,041
Emergency Medical	\$81,935	\$16,152	\$4,591,645	\$335,736	\$5,025,468
Totals by County	\$4,714,587	\$2,152,663	\$12,850,511	\$4,525,740	\$24,243,501

### Notes: Arizona' Border Counties

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<sup>1</sup> Tanis J. Salant, *Border Impact: Law Enforcement and Criminal Justice in Santa Cruz County, Arizona*, Tucson: The University of Arizona, 1997.

<sup>2</sup> Joseph Garcia, "Kolbe urges Clinton: Act now to calm U.S. border, *Tucson Citizen*, May 30, 2000, 1A.

<sup>3</sup> See: Tanis J. Salant, 1991, 1997, and 1999.

ATTACHMENT  
B

# ARIZONA STATE LEGISLATURE

## INTERIM MEETING NOTICE OPEN TO THE PUBLIC

### AD HOC COMMITTEE ON IMMIGRATION

**Date:** Thursday, September 6, 2001  
**Time:** 10:00 a.m.  
**Place:** Senate Second Floor Caucus Room

#### AGENDA

1. Call to Order
2. Review Charge of Committee
3. Discussion of Committee Objectives
4. Schedule next meeting
5. Adjourn

#### M mb rs:

Senator Chris Cumiskey, Cochair  
Senator Toni Helton

Representative Carol Somers, Cochair  
Representative Victor Soltero

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NS/tam 08/28/01



ARIZONA STATE LEGISLATURE  
Forty-fifth Legislature – First Regular Session  
  
**AD HOC COMMITTEE ON IMMIGRATION**

Minutes of Meeting  
Thursday, September 6, 2001  
Senate 2nd Floor Caucus Room -- 10:00 a.m.

(Tape 1, Side A)

Cochairman Cummiskey called the meeting to order at 10:08 a.m. and attendance was noted by the secretary.

**Members Present**

Senator Cummiskey, Cochairman

Representative Soltero  
Representative Somers, Cochairman  
(via teleconference)

**Members Absent**

Senator Hellon

**Speakers Present**

Nadine Sapien, Senate Research Analyst, Government Committee  
Arthur Chapa, Legislative Counsel, representing Pima County, Tucson  
Larry Richmond, Lobbyist, representing Santa Cruz County  
Elias Bermudez, Executive Director, Centro De Ayuda, Incorporated  
John Blackburn, Jr., Legislative Liaison, Arizona Criminal Justice Commission; Arizona Sheriff's Association  
Emilia Banuelos, Immigration Attorney, representing herself  
Napoleon Pisano, representing Arizona Hispanic Community Forum, Mesa  
Richard White, Lobbyist, representing East Valley Interfaith Network; Arizona Interfaith Network, Scottsdale  
Vel Pina, representing herself  
Mary Ann Jim, representing Native American community; American Urban Indian Community Partnership (AUICP)

**Guests Attending**

Senator Virginia Yrun  
Lydia Hernandez, representing Coalition for Latino Political Action; Valley Interfaith Project  
Marcie Escobedo, representing Valley Interfaith Project; Arizona Statewide Network  
Joseph Kress, Center Manager, Human Services Department, City of Phoenix

AD HOC COMMITTEE  
ON IMMIGRATION  
September 6, 2001

## Opening Remarks

Chairman Cummiskey stated that this organizational meeting is a bit unusual. A relatively small number of Members were appointed by the Senate President and House Speaker, which means that any discussion by a few Members from either body about the Committee, its composition, or the substance that might be covered is subject to the provisions of the open meeting law. As a result, the meeting will be somewhat formal.

He advised that Senator Yrun may be appointed to the Committee and acknowledged that another person from the House would probably be necessary in order to maintain a balance. Mrs. Somers offered to contact the Speaker about appointing another House Member.

Mrs. Somers stated that she is glad to see the Committee moving forward. She added that interest from other Members of the House is very strong and many people are excited about what the Committee is trying to do.

## Review Charge of the Committee

Chairman Cummiskey related the two-prong responsibilities of the Committee:

- Assess the fiscal impact associated with immigration on the counties, particularly those along the border.
- Attempt to establish meaningful partnerships with different entities already focusing heavily on immigration policy.

He pointed out that a myriad of subjects are associated with immigration and the topic is at the forefront nationally and in the State, so there will probably be much discussion on those topics as they relate to the Committee; however, the charge of the Committee is fairly narrow.

Mr. Soltero commented that the issue of immigration is very important, and as everyone knows, the burden placed on counties through immigration policies, procedures, and practices is quite large. Much money is spent on law enforcement, the environment, and the judicial process. He said he believes the Committee should study this issue and determine what the State can do to help the counties, especially those along the border.

Senator Yrun expressed agreement with Mr. Soltero's comments, adding that she would like to see a particular focus on health care delivery and the impact on hospitals and community health centers.

Nadine Sapien, Senate Research Analyst, Government Committee, read the formal charge of the Committee (Attachment 1).

Mrs. Somers commented that the Members could evaluate proposed legislation from the federal government on issues relating to the Committee charge, such as U.S. Representative Jeff Flake's proposal for Driving Under the Influence (DUI) enforcement on the border.

Chairman Cummiskey stated that the Committee is uniquely suited to reviewing issues developing at the national level, but he is hesitant to adopt language that would potentially take the Committee off track. The Members should keep informed on those issues, but focus on the Committee charge. He surmised that the charge of forging meaningful partnerships encompasses review of such legislation that would impact the counties. Mrs. Somers and Mr. Soltero agreed.

Chairman Cummiskey stated that the only empirical research that could be located compiled by the University of Arizona (U of A) is a Border Impact Study relating to the criminal justice system and emergency medical service impacts incurred by the four border counties (Attachment 2). The study provides a framework for discussion of those subject areas, but the Committee wishes to go beyond that and will create new research as the topic of immigration is delved into further.

### **Discussion of Committee Objectives**

Ms. Sapien introduced the Staff Members: Patsy Osmon, Guadalupe Valencia, Glenn Davis, and Nikki Amberg, Democratic Caucus Staff; Wendy Baldo, Republican Caucus Staff; Mike Huckins and Kitty Decker, House Majority Research Staff; and Mary Simmerer for David Gass, House Democratic Staff.

Chairman Cummiskey remarked that he is excited about having such a veteran team and thanked everyone for joining the Committee. He said the Members need to discuss the framework of the meetings, noting that the first will be held on September 18, 2001 in the Senate. An invitation from the Committee Members was issued to all Members of the Legislature. He related that the four principal Members previously discussed the first agenda.

Mr. Soltero advised that Mayor Ray Borane will be available to speak. He also contacted Dr. Tanis Salant about the dates set for the meetings, but did not have an opportunity to speak to her and will follow-up. Mrs. Somers remarked that Dr. Salant told her at a leadership conference in Tucson that she is aware of the meetings, but would like more specificity on what to speak about.

Chairman Cummiskey stated that he would like Ms. Salant to review the findings of the study mentioned (Attachment 2) and provide input on how the Committee might proceed in the empirical arena. Senator Yrun added that it would be helpful if Ms. Salant would address what has worked and programs established in other border states to address issues, particularly models in existence long enough to have an evaluation track record.

Mrs. Somers stated that Ruben Alvarez from the Department of Commerce (DOC) also asked about the overview he is expected to deliver. She agreed on the areas Chairman Cummiskey and Senator Yrun suggested for coverage by Ms. Salant, adding that her presentation should not overlap with the person representing the Border Counties Association.

Chairman Cummiskey said perhaps staff can compile a more precise description for the speakers to avoid duplication.

Mrs. Somers clarified that Mr. Alvarez will cover the Mexico American Commission. She recalled that the Members talked about limiting speakers to 10 minutes, so they will probably

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speak for 15 minutes; therefore, it is important to have a fixed outline of topics ahead of time. She opined that the speakers should be asked to address issues related to the mission of the Committee and partnerships already started. She noted that DOC's focus is on economic growth and partnering in those regions, so it might be interesting to hear the extent to which some issues may impair economic development.

Senator Yrun added that coverage for prenatal care is presently an issue in the health delivery area, so it might be worthwhile to ask the speakers to address related items that may come back to the Legislature.

Chairman Cummiskey asked Mrs. Somers to confirm with Mr. Alvarez that staff will be in touch. He noted that Senator Hellon informed him that Sharon Bronson, Supervisor from Pima County, will not be available to address the Committee, which is unfortunate, since she has particular knowledge as chair of the Border Counties Association, a group of 14 counties throughout the states with a presence along the border. He noted that Supervisor Bronson will send someone to the meeting to provide an update of items the Association is working on and ways of establishing a better partnership with the organization.

Chairman Cummiskey said he contacted the counties and some representatives are present. He asked for input in terms of presentations at the meeting.

Arthur Chapa, Legislative Counsel, representing Pima County, Tucson, stated that information is being compiled for the first meeting, which he cannot attend, but he will attend the other meetings. He said he would like an opportunity to meet with staff to talk about the document distributed, where it originated, and the federal context (Attachment 2). He stated that evidence of efforts by the State to resolve issues, in addition to what the counties are doing, will help in dealing with federal issues. He added that Ms. Bronson will have someone at the first meeting, and he plans to talk to her about specifics tomorrow.

Larry Richmond, Lobbyist, representing Santa Cruz County, stated that a representative from the County will be at the first meeting and probably the others. He noted that legislators from the district indicated significant interest in attending at least the meetings in the district. He pointed out that he and Mr. Chapa also represent respective clients in Washington, D.C., and over the years, the Congressional delegation has been very helpful in obtaining federal funding to assist local governments along the U.S. border with Mexico to address issues of criminal undocumented aliens, as well as some health issues. He acknowledged that this is primarily a federal issue, but submitted that there should be a partnership between the local, State, and federal governments. Local governments carried the burden for many years, and the federal government only recently chipped in, but it is time, and he believes the Congressional delegation agrees, for the State to "step up to the plate."

Chairman Cummiskey stated that he spoke to Supervisor Bob McLendon of Yuma County, formerly of the House, and former Representative Paul Newman, who is now with the Cochise County Board of Supervisors. Both are in tune with what the Committee is doing and believe there will be strong input as meetings are held in those communities.

### Schedule Next Meeting

Chairman Cummiskey indicated that the difficulty with an issue like immigration is the necessity for the Committee Members to see what is going on, which led to a schedule of hearings along the border in October and early November 2001. Consideration was given to using the AzNet system, which is a closed circuit hook-up with communities along the border, but the conclusion was reached that it is not practical to hold the meetings via satellite. He said he would like to proceed with meetings in border communities if that is the pleasure of the Committee. He added that he believes the early hearings were crafted so there would be no unnecessary expenses.

Mr. Soltero and Mrs. Somers agreed that it is important to have a first-hand look at exactly what is happening, what the problems are, and listen to recommendations. Mr. Soltero indicated that it should not be too costly.

Chairman Cummiskey stated for the record that the Committee takes the directive from the President's Office to constrain costs seriously, and as a result, a recommendation was made that the entire staff may not need to accompany the Committee and responsibilities could be shared.

He related that a trip to Yuma is planned for Monday, October 8, 2001. A hearing will be held at 1:00 p.m., after which site visits will be made to locations to be determined in consultation with local representatives, followed by a gathering to give Members and local officials an opportunity to talk about the challenges facing Yuma County. He pointed out that it is Columbus Day, but supervisors in Yuma said it would be appropriate to move forward. Mr. Soltero commented that as long as the people involved are willing, the date is fine.

Chairman Cummiskey indicated that a trip is planned for Tuesday, October 30, 2001 to Douglas with a meeting at 10:00 a.m. followed by site visits to appropriate locations and an end-of-the-day gathering with local officials.

He stated that another meeting will be held on Wednesday, October 31, 2001 (Halloween) in Nogales at 10:00 a.m., followed by site visits in the afternoon and a gathering at the end of the day.

Chairman Cummiskey noted that the final site meeting will be held on Thursday, November 1, 2001 in Pima County and will follow the same format. He anticipated much participation by House and Senate Members.

He indicated that after the site meetings, the Committee will regroup at the Capitol in November to assess the information provided and synthesize research to date.

Mr. Soltero suggested that members of the audience might want to make comments.

Mrs. Somers recommended that the Members become familiar with the Border Impact Study (Attachment 2). She indicated that it would be helpful if Mr. Chapa or any of the groups visiting could provide short and to-the-point bullet-type reading material prior to the next meeting.

Chairman Cummiskey stated that if there is no objection, people in the audience are welcome to comment on the mission and objectives of the Committee.

## Public Testimony

Elias Bermudez, Executive Director, Centro De Ayuda, Incorporated, stated that the Mexican government recognizes immigration as a bi-national problem and is now more helpful in stopping the influx of illegal immigrants, which will impact studies. He suggested that during site visits, Members ask the governmental entities on the other side of the border what they are doing and plans for the future. He added that new changes in the immigration laws will have a tremendous impact on the State.

John Blackburn, Jr., Legislative Liaison, Arizona Criminal Justice Commission; Arizona Sheriff's Association, stated that he will make sure both organizations receive information from the Committee so efforts can be coordinated.

Emilia Banuelos, Immigration Attorney, representing herself, said she is concerned about the study. She stated that it is important to discuss the benefits immigrants provide to the community. Many people are in the process of obtaining legal residency, and five or six years from now when they become U.S. citizens, the present impact will terminate. She said she would like an opportunity to educate the Committee on immigration laws and the impact on the State, adding that even though this is a federal issue, families in Arizona and across the nation are affected.

Chairman Cummiskey asked Ms. Banuelos to work with staff on providing the information.

Napoleon Pisano, representing Arizona Hispanic Community Forum, Mesa, stated that the charter of the Committee appears to address the workload and financial impact of current conditions along the southern border. He recommended a review of benefits associated with the influx of immigrants, such as the economic stimulation that has taken place.

Chairman Cummiskey commented that the Committee attempted to avoid assessing a value judgement about whether costs are negative or positive in terms of impact to communities. He agreed that it is important to recognize that benefits are associated with the individuals working in the communities, which will be part of the discussion as the hearings proceed.

Richard White, Lobbyist, representing East Valley Interfaith Network; Arizona Interfaith Network, Scottsdale, related that Arizona Interfaith Network participated in a number of study sessions and meetings with the Mexico Counsel, members of the Arizona delegation in Congress, and others to review the broader spectrum of immigration. He said the report from the Committee should be contextualized so it is easily understood and balanced, especially if legislative action occurs. He speculated that by 2002, when the Committee's final report is due, a significant portion of whatever will happen nationally in Congress should be completed. He added that being in touch with stories of the people is very important.

Vel Pina, representing herself, stated that even though people are in the State illegally and do not have a social security number, the Internal Revenue Service provides one so taxes can be filed. She added that they also make contributions for social security and Medicare that they will never collect.

Mary Ann Jim, representing Native American community: American Urban Indian Community Partnership (AUICP), remarked that the Tohono O'odham nations are within the border lines of Mexico and the U.S. and coincide with the Native American aspect because they, too, are brothers and sisters in the way culture and family are perceived.

### Closing Remarks

Mrs. Somers thanked everyone for attending. She said she hopes minutes will be distributed to the Members since she could not hear too clearly the topics brought up by people who testified. She thanked Chairman Cummiskey for a very well-run meeting.

Mr. Soltero thanked everyone for attending and expressed appreciation for comments regarding immigration laws and the positive aspects of immigrants.

Chairman Cummiskey repeated the two-prong charge of the Committee and thanked everyone for attending. He stated that the hearing on September 18, 2001 will be more like a regular meeting, noting that nine Members of the House and six Members of the Senate expressed interest in attending. He thanked President Gnant and Speaker Weiers for recognizing the importance of formalizing the Committee. He added that timing could not be better in terms of what is happening nationally and what is on the horizon.

Without objection, the meeting adjourned at 11:02 a.m.

  
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Linda Taylor, Committee Secretary  
September 7, 2001

(Original minutes, attachments, and tape are on file in the Office of the Chief Clerk.)

ATTACHMENT  
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## ARIZONA STATE LEGISLATURE

### INTERIM MEETING NOTICE OPEN TO THE PUBLIC

#### AD HOC COMMITTEE ON IMMIGRATION

**Date:** Tuesday, September 18, 2001

**Time:** 10 a.m.

**Place:** Senate Hearing Room 1

#### AGENDA

1. Call to Order
2. Review of Illegal Immigrants in Arizona's Border Counties Study
  - Tanis Salant, University of Arizona
3. Impact of Immigration on Border Counties
  - Pima County - Martin Willett
  - Yuma County - Supervisor Robert McLendon
  - ▪ Cochise County - Sheriff Larry Dever
  - ▪ Santa Cruz County - Supervisor John Maynard
4. Overview of the United States-Mexico Border Counties Coalition - Dennis Miller
5. Overview of the Arizona-Mexico Commission - Ruben Alvarez
6. Public Testimony
7. Future Border Hearings
8. Adjourn

#### Members:

Senator Chris Cummiskey, Cochair  
Senator Toni Hellon

Representative Carol Somers, Cochair  
Representative Victor Soltero

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ARIZONA STATE LEGISLATURE  
Forty-fifth Legislature -- First Regular Session

AD HOC COMMITTEE ON IMMIGRATION

Minutes of Meeting  
Tuesday, September 18, 2001  
Senate Hearing Room 1 -- 10:00 a.m.

(Tape 1, Side A)

Cochairman Cummiskey called the meeting to order at 10:07 a.m. and attendance was noted by the secretary.

Members Present

Senator Hellon  
Senator Cummiskey, Cochairman

Representative Soltero  
Representative Somers, Cochairman

Guests Attending

Senator Bee  
Senator Yrun

Representative Cannell  
Representative Lopez  
Representative Maiorana

Speakers Present

Dr. Tanis Salant, Institute for Local Government, University of Arizona, Tucson  
Martin Willett, Deputy County Administrator, Pima County  
Kevin Tunnell, Yuma County  
Sheriff Larry Dever, Cochise County  
Supervisor John Maynard, Santa Cruz County  
Dennis Miller, United States-Mexico Border Counties Coalition  
Russell Knocke, Arizona-Mexico Commission  
Carolyn Martinez-Leija, Arizona Regional Manager, Latino Health Care of Arizona  
Laurie Lange, Vice President, Public Affairs, Arizona Hospital and Healthcare Association  
(AzHHA)  
Joe Brannan, Executive Director, SouthEastern Association of Governments

Moment of Silence

Everyone participated in a moment of silence for the people missing, their families, and the people helping in the recovery efforts in New York and Washington, D.C.

## Introductions

Chairman Cummiskey welcomed everyone and introduced the Members present. He noted that all Members of the Legislature were invited to the meeting. He added that planning sessions are underway to work out logistics for meetings to be held in Douglas, Nogales, Tucson, and Yuma in October and November 2001.

Mrs. Somers welcomed everyone who is taking the time to share thoughts and wisdom, as well as her colleagues from around the State. She added that the work of the Committee is important and she is anxious to begin.

The legislators present, but not official Members of the Committee, introduced themselves.

Chairman Cummiskey thanked the Members for attending and President Randall Gnant and Speaker Jim Weiers for officially impaneling the Committee for the House and Senate.

The Staff Members present introduced themselves: Nadine Sapien, Senate Research Analyst for the Government Committee; Glenn Davis, Counsel to the Senate Democratic Caucus; Kitty Decker, House Research Analyst, Ways and Means Committee; and Mike Huckins, House Research Analyst, Counties & Municipalities Committee/Public Institutions & Rural Affairs Committee.

## Review of Illegal Immigrants in Arizona's Border Counties Study

Dr. Tanis Salant, Institute for Local Government, University of Arizona, Tucson, related that Santa Cruz County enlisted the assistance of the Institute for Local Government over the last 10 to 12 years to quantify the impact on the criminal justice system, at first, from the federal war on drugs, and then, illegal immigration. That experience led to formation of the United States-Mexico Border Counties Coalition, which worked with the eight U.S. Senators in the four border states. Led by Senator Jon Kyl, the Coalition was able to receive a \$300,000 grant to conduct a similar study for all 24 border counties, which was awarded to the Institute for Local Government.

She noted that in November 2000, a report was published on the preliminary findings of the cost to the four Arizona border counties at the request of Santa Cruz and Pima counties. The final report for all 24 border counties was published in February 2001. She reviewed the Arizona component of the final report "*Illegal Immigrants in U.S./Mexico Border Counties The Cost of Law Enforcement, Criminal Justice, and Emergency Medical Services*," which is available on the Internet at [www.bordercounties.com](http://www.bordercounties.com) (Attachment 1). She added that the figures are for FY 1999, but statistics for FY 2000 suggest that the impact is probably considerably higher since border apprehensions increased about 30 percent in Cochise County.

Mr. Soltero commented that with the 30 percent increase in apprehensions, he is curious about how many people actually made it across the border.

Ms. Salant related to Senator Yrun that of the 530,000 people apprehended by Border Patrol in FY 1999, about 15,000 committed a State felony or two or more misdemeanors, which is a small percentage of people who cross the border illegally and a fraction of those who cross legally.

She added that there are economic benefits in sharing a border with Mexico, but those benefits do not necessarily go directly to county government. She acknowledged that the health care costs were figured for all immigrants.

Mr. Cannell referred to the table on page 186 and indicated that he is puzzled by the per capita figure of \$155 for total expenditures. Ms. Salant explained that the average of \$170.2 million was divided by the total population of 1.1 million rather than calculating an average of the four per capita costs. She said she is not sure why the figures are not consistent. Mrs. Somers remarked that Pima County has the highest population, but the lowest per capita figure, which does not seem possible. It may not alter the general gist of the conversation, but she would appreciate it if Ms. Salant would check on that and report back to the Committee. Mr. Cannell asked her to check on the other figure, too.

Mr. Maiorana referred to the 30 percent increase in apprehensions and surmised that Mr. Soltero thought there might be an equal increase in people who made it across the border. He pointed out that the increase in apprehensions is due to the fact that the Border Patrol now has about 500 agents.

Mrs. Somers remarked that she read about federal money through the State Criminal Alien Assistance Program (SCAAP) for which three of the counties applied, but one county thought the cost of tracking the information that is required would be higher than the money that would be received. Ms. Salant explained that SCAAP funds totaled \$585 million, but all 24 border counties together received about 2 percent. The SCAAP web site shows that most of the money went to very large cities in the northeast and north central part of the country. She said she does not know the politics of distributing the funds, but she does know that the application process is severely flawed and some jurisdictions, perhaps because of politics, are overcompensated. She explained that SCAAP is a federal program administered through the U.S. Department of Justice, and decisions on distribution are made in Washington, D.C. She added that the eight border U.S. Senators are aware of the fact that the border counties received so little.

Senator Hellon asked if there is a difference in health care coverage or payment for services between people apprehended by the local government and those apprehended by the Border Patrol who are taken to a hospital for necessary health care. Ms. Salant replied that when an illegal immigrant is in the custody of the sheriff's detention center and needs medical care, the cost is absorbed in the sheriff's budget. When Border Patrol takes an illegal immigrant to the hospital who is not under arrest, the hospital absorbs the cost. If Border Patrol takes someone to the hospital who has been arrested, the hospital is supposed to be reimbursed from approximately \$25 million provided by the U.S. Public Health Department for that purpose; therefore, the incentive for Border Patrol not to arrest the immigrants is quite high.

Mr. Maiorana stated that he is aware of an internal memo from the Immigration and Naturalization Service (INS) directing Border Patrol not to take illegal immigrants into custody. When a rollover occurs with 20 or 30 people in a van who are delivered to the Bisbee Hospital, for example, those people are not in custody, so the federal government purposely does not accept the responsibility for financial payment to hospitals.

Mrs. Somers referred to information stating that several factors appear to influence the level of impact on each county, such as overall federal strategy deterrents. She asked if the federal

government has a different strategy for each county and why there would be a different impact on a different county. Ms. Salant indicated that the INS and Border Patrol have different strategies along different points of the border. For example, when the INS and Border Patrol erected a wall in the Douglas area, one of the immediate impacts was a drastic drop in juvenile crime along the border, which is the reason juvenile center costs decreased in Cochise County. Also, when San Diego instituted Operation Gatekeeper, Imperial County, Yuma County, and points east sustained much greater illegal immigration activity. In other words, illegal immigrants respond to whatever strategy is in place at the time.

Ms. Lopez expressed appreciation for the information provided, but pointed out that the impact on the educational system has not been mentioned. She noted that the four border states' Association of School Board Members is undertaking a study of all school districts within 100 miles of the border to determine the fiscal impact of immigration, which is spread out into the local community and the remainder of the State. The study may be completed within the next six months.

Chairman Cummiskey noted that representatives from each of the counties were asked to attend the meeting and speak prior to visits to the different locations.

#### **Impact of Immigration on Border Counties**

Martin Willett, Deputy County Administrator, Pima County, related that it is unfortunate that some of the people who immigrate commit crimes, but enforcement, detention, and processing of cases is left to the County because of its close proximity to the border. Also, people who immigrate need medical services, and Pima County is unique among the four border counties because it has the only public hospital that provides those services. He indicated that he was shocked at the costs shown in the study. He speculated that the case could be made that these services should be funded at the national level, but that has not happened. For several years, the County has been active and continues to be active in working with the congressional delegation to seek additional support. There has been some progress, interest, and support, but not enough. Last year, Pima County received \$886,000 to reimburse the Sheriff's Department, which was appreciated, but as shown from the numbers in the study (which is three budgets past), the amount pales in terms of the need.

He submitted that this is a statewide problem as well. Pima County will continue to provide the services, but the impact is an issue of tax bases. Because the County is on the front lines, most of the costs are absorbed in the local tax base, which is not appropriate. For Pima County, using the study, and rounding the estimated cost to \$12 million on a levy today, it is equivalent to a 30 cents per \$100 assessed valuation property tax levy, which is a huge levy. In comparison, this year, the County levied 21 cents for an entire countywide library system and 35 cents for an entire flood control system.

Mr. Willett related to Mr. Soltero that \$186,000 was received from SCAAP. In the prior year, the County received \$1.2 million, so the funds are dwindling. He indicated that the County probably has the most active federal lobbying program of any local jurisdiction in the State. It is a full-time effort, on a grant level and on a direct lobby effort to Congress, but there is much competition.

Mr. Willett advised Mrs. Somers that there was no levy for border issues. Other monies used to fund services are not included in the study, such as Racketeer Influenced Corrupt Organizations (RICO) funds. He explained that he used the comparison of the levy because Dr. Salant's study focused on general fund expenditures. He indicated that it is costly to accurately capture the data required to apply for SCAAP funds over the many different budget units and systems, noting that Dr. Salant spent hours and hours developing a model so it could be done.

Mrs. Somers commented that it seems almost a double insult to have such a large portion of the overall problem in the country and receive so little money, and then on top of that, have to resort to taxation.

Senator Hellon asked about the role Kino Hospital plays in the problem and what would happen if the resource were not available. Mr. Willett replied that the hospital is the safety net. When the Tucson Police Department, Border Patrol, or the Arizona Department of Public Safety (DPS) pick up someone who needs emergency care, they are taken to Kino Hospital. He added that other hospitals in the region probably have similar stories to tell, but anecdotally, it appears that Kino Hospital is filling a role in that respect. He said Kino is at the bottom of the pecking order as a public hospital and there are many problems for a variety of reasons. Clients who can pay are needed. An inordinate amount of emergency care is provided for people who self-pay, many by virtue of not cooperating with or consenting to participate in the eligibility process for the Arizona Health Care Cost Containment System (AHCCCS), which is a prevalent characteristic of the population that presents for services, as well as those who may be in the country unlawfully and do not wish to participate. He speculated that if the hospital did not exist, people would go somewhere else. He added that S.B. 1577, AHCCCS, proposition 204 (Chapter 344, Laws of 2001), mandated that Kino Hospital be kept open, specifically to provide emergency medical services.

Mr. Cannell said Mr. Willett implied that Kino Hospital is the only hospital in the four counties and asked if patients in the country illegally are transferred from Santa Cruz and Cochise counties to Kino Hospital rather than University Hospital or the Tucson Medical Center. He noted that in Yuma, physicians must manage cases, but if they cannot, patients are transferred to the Phoenix area, not Tucson. Mr. Willett responded that he is not implying anything of the kind, he only meant that the County has a public hospital that is serving an inordinate percentage of immigrants and unlawful immigrants. Obviously, all of the counties have medical emergencies to deal with and provide the service, but someone is paying, whether it is a nonprofit, profit, or level of local government.

Mr. Cannell asked if Kino Hospital receives transfers from other hospitals within the Tucson area. Mr. Willett responded that it does, and they are typically people who are refused admittance somewhere else.

Mrs. Somers referred to page 219 and noted that the cost under Juvenile Center for Pima County is \$254,967 (Attachment 1). She asked if the County is required to educate juveniles who are detained and waiting, perhaps, to be deported. Mr. Willett acknowledged that the County is required to provide education for those individuals.

Kevin Tunnell, representing Yuma County, explained that he is speaking in place of Supervisor Bob McLendon, who had another commitment. He remarked that while Yuma County shares much of what has already been heard, he would like to call attention to a few items:

- Recently, the nation was shocked at 14 deaths in the desert east of Yuma and west of Tucson, but a cost experienced by Yuma County is autopsy of three of the bodies. If the U.S. Attorney's Office decides not to prosecute the cases, it will fall on the shoulders of the County Attorney's Office. He noted that testimony has already been given that the federal government appears to sidestep some of the responsibility, and this is an additional area in which it occurs in Yuma County.
- Unfortunately, through Operation Gatekeeper closing traditional entry points, the more nontraditional routes to get into the United States are used, which in Yuma County are vast. As a result, additional search and rescue personnel are needed, which is extremely expensive.
- Many health issues are related not only to illegal entry, but immigration as a whole, i.e. new strains of tuberculosis that do not respond to typical medications.

Mr. Tunnell added that he is prepared for the Committee's visit to Yuma County where each of the department heads and local officials will speak with the Members.

Sheriff Larry Dever, Cochise County, indicated that Supervisor Paul Newman planned to speak, but cannot, due to the Jewish holiday. He related that everything said so far is true in Cochise County; however, it is unique in the fact that 40 percent of the land is private property. Therefore, every time someone crosses a fence, lawfully or illegally, they are passing through someone's back yard. Many calls are received about people trespassing, leaving garbage and human waste, and the threat of disease, which lends to the statistical data that Dr. Salant suggested is somewhat higher in Cochise County in relation to control responsibility and responsiveness.

He referred to SCAAP funding and explained that there is such a high distribution in the northeast and metropolitan areas of the country because people take up residence there. Additionally, when the criteria for reimbursement through SCAAP is met, i.e. people charged with two misdemeanors or a felony, it is much easier to track the people through the system. Along the border, however, people either avoid arrest and prosecution, or often, in the case of a misdemeanor, people are simply cited and released to Border Patrol for deportation, and therefore, do not fall under the umbrella for SCAAP reimbursement. He added that Cochise County received SCAAP funds since he took office five years ago, but somewhat less than 30 percent of actual costs are recovered. In the last round of funding, the County billed the fund for about \$970,000 simply for housing individuals who met the criteria in the county jail, which does not include indigent defense costs, prosecution costs, etc.

(Tape 1, Side B)

Sheriff Dever stated that what the counties are experiencing along the border is a calculated consequence of an enforcement strategy plan the INS developed and enacted some years ago in San Diego and El Paso called Operation Gatekeeper, which was designed to push the people into the more hostile environment of the southern Arizona desert as a deterrent, but it has not worked. The result has been a social devastation in terms of quality of life along the border and the

transportation hubs of Phoenix and Tucson. He noted that many of the people do not remain in Cochise County, but travel on to Phoenix and Las Vegas to be transported to areas east and west.

Sheriff Dever indicated that public lands in the County are often leased to private property owners who are stakeholders in the welfare and well-being of the properties, and those properties in the public domain are trashed and destroyed. In addition, the San Pedro Riparian area is a major traffic way for illegal immigrants to move to points north.

He said he is encouraged that the Committee is planning to visit Cochise County for a firsthand personal view. He submitted that the borders do need to be controlled, and it is not fair that the four border counties in the State with the least carrying capacity to bear this yolk are burdened with it. At least in San Diego and El Paso, there is a huge infrastructure to assimilate, sustain, and support a large number of immigrants moving through the area, but there is also much congressional representation in those areas, which is why initiatives were implemented. He indicated that Border Patrol will tell you that El Paso and San Diego are currently under control to the point that an acceptable level of illegal immigration is flowing through, and there are still 500,000 people a year entering through San Diego. The same amount is entering through Cochise County and the Tucson sector, which is not acceptable. Even if the amount was cut by a third, a half, or a quarter, way too many immigrants would still be coming through and impacting the area where people live.

In response to questions posed by the Members, he provided the following information:

- Overnight, calls increased 37 to almost 40 percent on issues associated with illegal immigration. The County has 83.5 miles of international border, 6,300 square miles of real estate, and 54 patrol deputies to address law enforcement and environmental issues. Calls are taken and patrol deputies go out to that area. Citizens, residents, visitors, and neighbors in the County have an expectation and right of privacy and property, and the Sheriff's Department does what it can to provide for that, but there is no authority to enforce federal immigration law. Unless a violation of a State statute occurs, Border Patrol is advised with the hope that someone will show up.
- Border Patrol has about 500 agents in the sector as Mr. Maiorana mentioned; however, many are new and must work for a year with a veteran agent before working alone, so that resource is cut in half. Border Patrol recently broke ground on the largest Border Patrol station in the entire southwest border in Douglas, Arizona, which implies that the problem is not expected to go away anytime soon.
- The County has a 160-bed jail, and 220 individuals can be housed with double bunking, but it places a tremendous load on the infrastructure. Only individuals who actually commit a crime against the State are arrested and detained. If a misdemeanor is committed and the person is not considered a danger to the community, the person is often cited and released, although most return the next day. Between 27 to 37 percent of the jail population are criminal aliens on a daily basis.
- For people who require medical treatment, County Health Services pays the bill, and a nurse on staff at the jail facility determines if emergency services are needed. Many of the medical providers in the County are small rural fire districts that provide emergency medical services. A remote accident involving injuries of 34 to 50 individuals in a van has the potential and has driven many of the fire districts and local hospitals to the brink of bankruptcy.



- Congressman Jim Kolbe sponsored a \$50 million bill that is still finding its way through the process to reimburse local medical providers, including hospitals, along the southwest border for some costs. Border Patrol does everything possible to avoid taking illegal immigrants into custody who are sick or injured, thus deferring treatment to a local medical provider. Once people are treated, Border Patrol will take them into custody for deportation.
- Patrol deputies ultimately respond to the calls, but delays are reaching intolerable levels due to the increased volume. Previously, the distance that had to be traveled was all that had to be considered in relation to timeliness of the response, but now, calls are prioritized and stacked, which is causing a denigration of services.
- During a work session at the Board of Supervisors last week, a discussion took place about the potential of establishing a jail district in the County or some type of criminal justice referendum to provide relief to the general fund and add additional personnel. SCAAT funds and any other funds received to this point were reimbursement monies. There are no revenue streams for anticipated and expected ongoing costs of the situation.
- There are two ports of entry in Cochise County and traffic flow through both has been restricted mostly to local traffic, although he is not certain what that means. He was also informed that the Mexican military and County personnel were deployed on the border with instructions that nobody is to cross the fence and all traffic should be funneled through the ports of entry. There has been a significant decline in calls for service associated with fence crossing, etc.
- As the holidays approach and the harvest is over, seasonal workers in the fields return home, but immediately after the first of the year, there is always an increase in the influx of people crossing the border. A certain number of people migrate regardless of the resistance, and a certain infrastructure is required to support northbound people, but there are not many places along the southwest border that have not been impacted. Not only people smugglers, but drug smugglers are digging in more and more, which is demonstrated every day in terms of the more aggressive and violent actions experienced when the County interdicts and becomes involved with smuggling organizations.
- About 40 percent of the Department's workload is associated in some way, shape, or form with illegal immigrant activities, which includes calls for service from criminal trespassing, to homicide, accidental deaths, robberies, and sexual assaults. In many cases, illegal immigrants are victims of crimes.
- He approached the Governor some time ago and asked for mobilization of the National Guard to sustain and support Border Patrol efforts in Cochise County. At that time, Border Patrol was in a build-up phase, which still exists today, but law enforcement agents were performing administrative functions that he thought someone else could do so law enforcement personnel could go out in the field, and the Guard seemed the likely resource. He still believes that is occurring. He does not want to see a militarization of the border because of the private property issue, but after the attack last week, the rules of engagement may make him change his mind.

Supervisor John Maynard, Santa Cruz County, stated that he has lived in Arizona for 17 years and made a conscious choice to live on the United States-Mexico border after attending a university in Mexico for a year. He indicated that Santa Cruz County has many challenges as it grows. It is the smallest border county with a census population of 39,000 and about 1,268 square miles; however, about 43 percent of the legal United States-Mexico Arizona border crossings occur in Nogales, and about 70 percent of the winter produce consumed in the United States passes through Nogales. He noted that he tells people Nogales has a population of

somewhere between 320,000 and 420,000 people, i.e. 300,000 to 400,000 live in Mexico and about 20,000 live in Arizona, but it is truly one community.

Supervisor Maynard noted that approximately \$2 million out of the general fund of approximately \$19 million is spent every year on border-related issues. Other counties can spend that amount of money on non-border issues, but Santa Cruz cannot, which affects the quality of life. He said he is aware that a biennial budget was adopted and money will be difficult to find this year. The County plans to introduce legislation that will not ask the State for money, but will require voters in each county to approve local funding sources that should improve the quality of life, not only for the counties, but every town and city, as well as the unincorporated areas, along the border. He added that the proposal can be discussed in more detail when the Committee visits Nogales.

In conclusion, he said if the County were not located along the border, the primary tax rate would be lower and the children would have a better quality of life similar to other parts of Arizona. Most departments that deal with border issues utilize about 30 to 35 percent of their annual budget, so he hopes the Legislature will be able to help out.

#### **Overview of the United States-Mexico Border Counties Coalition**

Chairman Cummiskey noted that the Border Counties Coalition is Cochaired by Sharon Bronson of Pima County, who could not attend today because of a conflict with the Board of Supervisors meeting, but Dennis Miller will explain some of the Coalition's activities.

Dennis Miller, United-States Mexico Border Counties Coalition, related that in 1997, Santa Cruz County commissioned a study on the impact of undocumented and illegal immigration on the County by Dr. Tanis Salant, and the study showed that the County is very impacted. The study was shown to the Legislature, which appropriated \$400,000. He noted that all of the counties are impacted, but the amount of impact shifts depending on the pressure applied by Border Patrol and others. At one time, over 70 percent of inmates in Santa Cruz County were undocumented individuals, but the number has gone down. He related that the study was updated the following year, but the political climate at the Legislature had changed somewhat and the appropriation was withheld with the explanation that it would not be fair to help one county, but not the other border counties, and it is a federal responsibility. He agreed that it is a federal responsibility, but pointed out that the counties are the administrative arm of the State, so the State is dealing with the problem and so is the county, because the federal government is not dealing with it adequately.

He explained that Strategic Issues Management Group from Tucson was employed and the idea of forming a coalition of all of the counties was discussed. Counties along the border were contacted, and on June 25, 1998, an exploratory meeting was held in San Diego where most of the 24 counties related similar problems. Everyone agreed on the need to make an effort to get the federal government to take care of the problem. He submitted that the people who cross the border are looking for a better way of life. The border was sealed because of terrorism, but he has never seen any of the people from Central America involved in terrorism.

Mr. Miller said another meeting was held in El Paso on September 25, 1998 where the Border Counties Coalition was actually formed and a cochair was chosen from every state. Sharon

Bronson is the cochair for Arizona. He noted that 18 of the 24 border counties are currently members, including the four Arizona counties. Some small counties in Texas are not members, possibly because they cannot afford to travel. The Coalition meets every three to six months, depending on needs and what is going on. Meetings are moved from state to state at different locations, and the cochair of the particular state resides over the meeting. He added that a meeting will be held in San Diego during the upcoming weekend, which will be chaired by the California cochair.

Mr. Miller explained that the purpose of the Coalition is to lobby the federal government to help fund the cost the counties bear, and he believes it has had some impact. The Arizona delegation is fairly involved and a Washington, D.C. lobbying firm was employed to oversee issues. Arizona also has two professional lobbyists, Art Chapa for Pima County and Larry Richmond for Santa Cruz/Pima counties.

He indicated that another study funded by a grant is underway on the cost of medical services in the four State border areas, but he is not sure of the status.

Mr. Miller advised Mrs. Somers that he will learn more at the upcoming meeting, but the Coalition members hope some changes will be made since President Bush is from a border state. Referring to SCAAP, he noted that when the funding first began, Santa Cruz County received about \$400,000 per year, but the amount was only somewhat over \$100,000 last year. He does not know if any funds will be received this year because the federal web site would not work and a paper application is not acceptable, so the federal government is being lobbied on the issue.

He submitted that a stronger source of funding is needed for the organization. The Coalition is trying to get the federal government to help, but the State's help is also needed. Lobbyists in Washington, D.C. are always asked if the State helps. He acknowledged to Mrs. Somers that Congress is advised that the State participates to some extent, for example, by paying for much of the probation. As far as paying directly for the burden of foreign nationals on the system, however, he does not believe the State is doing that.

#### Overview of the Arizona-Mexico Commission

Mr. Cummiskey noted that the second part of the charge is to establish meaningful partnerships so Russell Knocke from the Arizona Mexico Commission was asked to speak about what the Commission has been doing.

Russell Knocke, Arizona-Mexico Commission, thanked Ms. Salant for the remarkable work with the study, as well as Sheriff Dever and others who deal with the phenomenon of immigration every day. He related that the Commission is a 42 year-old public-private entity, i.e. it is an office within the Governor's Office as well as a 501(c)3 nonprofit corporation with members, corporate partners, sponsors, etc. Governor Hull charged the Commission with formulating a report that was shared with federal leadership in Washington and Mexico City, titled "Labor Shortages and Illegal Immigration. Arizona's Three-Pronged Strategy." The report is available on the Commission's web site. [aznc.org](http://aznc.org), and addresses the broader concepts of immigration with a proposed three-prong strategy on how to deal with the issue:

- Obtain adequate and appropriate resources from the federal government to deal with enforcement of the borders, and even more so in light of some of the tragedies that occurred in the past week.
- Until the economies are on more of a parallel level in North America, the issue of immigration is not likely to go away any time soon. Fostering initiatives like development of the CANAMEX trade corridor in Mexico (the four-lane highway running from Mexico City through the Nogales port that eventually ends up in Canada) will not only provide long-term economic development opportunities, but also short-term opportunities to, hopefully, reduce the need for some persons to make the very difficult trip north.
- Support foreign labor programs, i.e. Guest Labor, including mechanisms to improve and support the quality of life for the persons participating.

Mr. Knocke stated that with respect to economic development, the majority of immigrants are from the country of Mexico, but some are also from Central America. While the Commission deals almost exclusively with Mexico, the idea of taking into account, for example, President Fox's plan of Puebla in Mexico south to Panama, thus building up economic development opportunities through Panama, is also critical. He added that he is grateful the Committee is addressing this issue and offered to help in any way.

#### Public Testimony

Carolyn Martinez-Leija, Arizona Regional Manager, Latino Health Care of Arizona, testified that Latino Health Care of California was founded in 1994 by Jose Gonzales, who is the Chief Executive Officer. She said she is presently in the process of developing a network of providers who are culturally and linguistically appropriate for the Latino community, especially in the border areas, where people prefer to receive health care from those who are sensitive to their needs. People will cross the border for medical care if it is necessary, even if the services must be paid for out of pocket.

She indicated that she is very interested in border issues, especially since the State Emergency Services (SES) program will no longer be in effect after October 1, 2001. She hopes to gain the Legislature's support in attempting to provide health insurance to Mexico and U.S. citizens and developing the network of providers in Mexico where services can be provided. She opined that it would be economically beneficial, and she wants it known that the company is in Arizona. She noted that an IPA is an Independent Provider Association that contracts with health maintenance organizations (HMOs) and health plans to provide direct services by hospitals, providers, or specialty care physicians. The company began developing in July 2001 and hopes to be operating in three months. It has been very successful in California with contracts with several health plans (Aetna and CIGNA), and has over 300 primary care physicians (PCPs) and over 3,000 specialty care providers signed on. She provided a brochure containing contact information (Attachment 2).

She explained to Mr. Soltero that Blue Cross/Blue Shield presently provides health insurance in California to immigrants coming to the United States and California to work. There is also a network in Mexico so family members have health insurance through Blue Cross/Blue Shield. She acknowledged that the people have legal status to work in the United States, but still live in Mexico.

Mr. Soltero questioned how the people will be able to afford health insurance with a temporary job. Ms. Martinez-Leija responded that she does not know what the rates will be, but that is taken into consideration with other issues, and the company hopes to provide health insurance that is affordable. She submitted that if individuals who come to this country from Mexico are injured on the job and have health insurance, hospitals would be able to recover the cost.

Mrs. Somers remarked that she was told that hospital facilities located south of San Diego on the Mexican side of the border are very nice and the cost is much lower than in the U.S. She said she brought up the idea at an Arizona-Mexico Commission meeting of jointly owning a hospital located on the other side of the border. She asked if facilities have been considered. Ms. Martinez-Leija replied that facilities have been considered. She also talked to doctors who are very interested in becoming credentialed in the United States. She said Mr. Gonzales has been in Mexico talking to hospital personnel who are very interested, so she does not believe there will be a problem in developing that network.

Mr. Cannell asked how quality assurance measures compare with those in the U.S., i.e. number of immunizations, mortality rate, etc. Also, the facilities in Tijuana do not compare to the facilities in San Luis, Nogales, or other small cities along the border.

(Tape 2, Side A)

Mr. Cannell added that patients with serious problems who are treated in Mexico sooner or later end up on his doorstep. Ms. Martinez-Leija replied that quality is a major concern and priority in California, and when credentialing is done in Mexico for doctors and facilities, it will be a number one issue. She advised that Mr. Gonzales mentioned that his staff repainted a clinic and donated furniture so the company is willing to increase the quality of facilities in Mexico. The doctors that have been contacted are very willing to become credentialed by the United States.

She added that the company is very familiar with the Knox Keem regulations and hopes to enforce those regulations with providers in Mexico. She explained that Knox Keem was a lawsuit in the mid-1970s regarding provision of quality health care across-the-board nationwide that is applicable to all health plans.

Laurie Lange, Vice President, Public Affairs, Arizona Hospital and Healthcare Association (AzHHA), stated that she appreciates the Committee's attention to this issue, but would like to clarify some information provided:

- Dr. Salant mentioned that the SES program provides health care services or reimburses health care providers for any undocumented immigrants; however, the SES program pays hospitals, ambulance providers, and physicians for undocumented immigrants who are residents of the State. A large portion of undocumented immigrants who are not residents of the State also receive services from health care providers who are not reimbursed. In attempting to quantify the amount for Legislators and the congressional delegation, data so far shows that about \$42 million in uncompensated care is provided by hospitals alone to undocumented immigrants per year. That is probably an underestimate because several hospitals that provide a lot of care to undocumented immigrants chose not to participate in the survey. The responses received were from 14 hospitals. She said if the SES program terminates on October 1, 2001, the \$42 million would become \$62 million at least. This has

been a problem and an issue that has been difficult to quantify because hospitals have the mission and are mandated to treat anyone and everyone who presents to emergency rooms for service. Hospitals cannot legally ask questions about citizenship status, so the amount of uncompensated care that is provided to undocumented immigrants was not previously known.

- Mr. Willett mentioned that there is some anecdotal evidence that patients have been brought to Kino Hospital who were refused admittance. She clarified that the federal Emergency Medical Treatment and Labor Act strictly prohibits hospitals from refusing admittance. Those obligations are taken extremely seriously, rigorously enforced, and hospitals are liable for a \$50,000 penalty per violation. She said she hopes that is not occurring, but if it is, she would like to know about it. She would be happy to work with Kino Hospital and other hospitals in Pima County, but she personally does not believe that is occurring.

Ms. Lange indicated that the SES program will be discussed during the special session and she will provide a letter with data to the Members. She added that she is looking forward to upcoming meetings and will recommend that AzHHA members in the communities testify about personal experiences with their hospitals, what is happening in the emergency departments, as well as the true impact on health care providers.

Joe Brannan, Executive Director, SouthEastern Association of Governments (SEAGO), remarked that the problems related are of a negative nature because of the approximate location of Arizona to Mexico, but the Committee wants to know about them, which makes the bad news good news. He indicated that many areas are impacted, from public safety to health care to the environment, and he is glad the people most impacted were able to speak. He added that he represents Graham, Greenlee, Santa Cruz, and Cochise counties, and Douglas and Nogales in two of those counties are among the larger crossing areas. He offered the assistance of his office in garnering information.

### **Future Border Hearings**

Chairman Cummiskey related the following schedule:

Yuma County	Monday, October 8
Douglas	Tuesday, October 30
Nogales	Wednesday, October 31
Pima County (Tucson)	Thursday, November 1

He said he hopes the Members and guests will be able to attend at least one of the hearings, noting that delegations in each of the areas will be contacted to plan logistics of the meetings.

Mrs. Somers thanked Dr. Salant for the excellent work, noting that the true costs were very shocking, and it has taken the Legislature a year or so to be able to react to the documentation. She said the study provides a good basis to begin discussions. She brought up the possibility of directing staff to provide a basic outline on immigration laws and thanked the Members and her colleagues for attending.

Mr. Soltero pointed out that people in the audience at the last meeting offered to talk to the Committee about immigration laws, but it would also be enlightening to have someone from INS relate their charge and how the organization operates.

Chairman Cummiskey said perhaps a presentation can be integrated with the first meeting in Yuma. He thanked everyone who traveled to the Capitol to present information, adding that this is a good start and he looks forward to visiting the local communities.

Without objection, the meeting adjourned at 12:20 p.m.

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Linda Taylor, Committee Secretary  
September 27, 2001

(Original minutes, attachments, and tapes are filed in the Office of the Chief Clerk.)

ATTACHMENT  
D



Agendas can be obtained via the Internet at <http://www.azleg.state.az.us/iagenda.htm>

**ARIZONA STATE LEGISLATURE  
INTERIM MEETING NOTICE  
OPEN TO THE PUBLIC**

**AD HOC COMMITTEE ON IMMIGRATION**

**Date:** October 8, 2001  
**Time:** 1:00 p.m.  
**Place:** Yuma County Board of Supervisors Auditorium  
198 South Main Street

**AGENDA**

1. Call to Order
2. Impact of Immigration on Yuma County –
  - Supervisor Tony Reyes, Chair, Yuma County Board of Supervisors
  - Supervisor Robert McLendon, Vice Chair, Yuma County Board of Supervisors
  - Sheriff's Department
  - County Attorney
  - Superior Court
  - Health Department
3. Impact of Immigration on Border Cities-
  - City of San Luis – Mayor Alex Joe Harper
  - City of Somerton – Mayor Agustin Tumbaga Jr.
4. Presentation on Yuma Sector Operations –Michael Nicley, Chief Border Patrol Agent
5. Public Testimony
6. Adjourn
7. Site Tour – Bus Tour to Lower Colorado River (limited seating)

**Members:**

Senator Chris Cummiskey, Cochair  
Senator Toni Hellon

Representative Carol Somers, Cochair  
Representative Victor Soltero

NS:nld

Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting the Senate Secretary's Office: (602) 542-4231 (voice). Requests should be made as early as possible to allow time to arrange the accommodation.

ARIZONA STATE LEGISLATURE  
Forty-fifth Legislature – First Regular Session

AD HOC COMMITTEE ON IMMIGRATION

Minutes of Meeting  
Monday, October 8, 2001  
Yuma County Board of Supervisors Auditorium -- 1:00 p.m.

(Tape 1, Side A)

Senator Hellon called the meeting to order at 1:15 p.m. and attendance was noted by the staff.

**Members Present**

Senator Hellon	Representative Cannell
	Representative Soltero
	Representative Somers, Cochairman

**Members Absent**

Senator Cummiskey, Cochairman (excused)

**Guests Present**

Senator Herb Guenther  
Senator Elaine Richardson  
Representative Jim Carruthers

**Speakers Present**

Supervisor Tony Reyes, Chair, Yuma County Board of Supervisors  
Supervisor Robert McLendon, Vice Chair, Yuma County Board of Supervisors  
Supervisor Lucy Shipp, Yuma County Board of Supervisors  
Sheriff Ralph Ogden, Yuma County Sheriff's Office  
Captain Leon Wilmot, Yuma County Sheriff's Office  
Patricia Orozoco, Yuma County Attorney  
Becky Brooks, Interim Deputy Director, Yuma County Health Department  
Martha King, Director of Nurses, Yuma County Health Department  
Mayor Agustin Tumbaga, Jr., City of Somerton  
Mayor Alex Joe Harper, City of San Luis  
Michael Nicley, Chief Border Patrol Agent  
Robert Olson, Chief Executive Officer, Regional Medical Center  
Dr. Doug Bobbitt, United Methodist Pastor, Yuma County Interfaith Council  
Olivia Sanchez, Yuma County Interfaith Council  
Father Javier Perez, Yuma County Interfaith Council

### Pledge of Allegiance/Purpose of Committee

Everyone stood and recited the Pledge of Allegiance, after which Senator Hellon related the purpose of the Committee.

### Impact of Immigration on Yuma County

Supervisor Tony Reyes, Chair, Yuma County Board of Supervisors, welcomed everyone to Yuma. He indicated that costs related to immigrants in Yuma County are real and impact the way departments operate since budgets must be analyzed and adjusted accordingly. He added that he is the cochairman of the Arizona-Mexico Border Counties Coalition, which is commissioning a study to determine the cost of the impact of immigration on the health care system in all border counties of Arizona. The study should be completed before the end of 2001 and will be provided to the Members.

Supervisor Robert McLendon, Vice Chair, Yuma County Board of Supervisors, introduced Yuma County Supervisors Lucy Shipp and Lenore Stuart. He remarked that in the process of preparing the budget for Yuma County each year, more and more expenses are related to the border between Mexico and the United States (U.S.), which others will speak about. He added that it is good to see everyone from the Legislature and others from Phoenix and Tucson.

Mrs. Somers asked for an update on the new border facility at San Luis.

Supervisor Lucy Shipp, Yuma County Board of Supervisors, related that the Greater Yuma Port Authority (GYPA) was formed to facilitate construction of a new commercial port of entry in San Luis. The present port of entry is in a size-constrained area that cannot handle the commercial, passenger, and pedestrian traffic, and lines back up for several hours. Also, air pollution is a concern because diesels sit idling. The new San Luis East or San Luis II commercial port of entry will be located four miles to the east of the present facility along the border at an existing cattle crossing and will only be used for commercial traffic. Staff handling commercial traffic at the current facility will move to the new commercial port of entry.

She indicated that Congressman Ed Pastor and Senator Jon Kyl sponsored a bill allowing the GYPA to purchase 340 acres from the Bureau of Reclamation and the process of appraisal is underway. The exchange of diplomatic notes between Mexico City and Washington, D.C. authorizing the new commercial port of entry was recently completed. Remaining challenges are finding funding to build the facility, determining who will build it, and developing a timeline for construction. She explained that the GYPA is composed of Yuma County, the City of San Luis, and the Cocopah Indian Nation. At this point, general fund monies are being used for the project.

Supervisor Shipp conveyed that a related project is the Area Service Highway (ASH), which is a proposed truck route from San Luis around Yuma to Interstate 8. Currently, trucks travel Highway 95 through downtown Yuma, which is not acceptable. She noted that ASH is included in the Arizona Department of Transportation's (ADOT) five-year plan, and barring budget constraints, the new port of entry and ASH should be completed around 2006.

Sheriff Ralph Ogden, Yuma County Sheriff's Office, welcomed everyone to Yuma County. He acknowledged that the County is greatly impacted by immigration and related that a significant amount of money is spent on migrants who do not make it. The County ends up conducting death investigations or search and rescue investigations in order to recover people. For example, 14 unfortunate people who crossed the border earlier this year required autopsies at a cost of about \$25,000, which was ultimately shared with Pima County, but it is still an expense. He said another concern is theft and narcotics. The border on the south side of the County is dirt and desert, but the Colorado River borders the west side and has about 18 inches of water on the south end at this time of the year. Equipment can be driven across the border into Mexico and people and narcotics go back and forth.

Sheriff Ogden related that the County presently receives State Criminal Alien Assistance Program (SCAAP) funds for incarceration of inmates, which helps tremendously; however, another cost the County assumes is medical care for inmates. The law states that as soon as someone is incarcerated within a county or State facility, Arizona Health Care Cost Containment System (AHCCCS) coverage ceases. The County becomes responsible for medical bills until the person leaves the facility, at which time AHCCCS coverage resumes.

When asked by Mr. Soltero if he believes the Border Patrol does not arrest undocumented individuals to avoid paying for incarceration or health care, Sheriff Ogden responded that everyone in the County works together to solve problems and determine how to pay the bills, but he never heard of an officer in Yuma County not arresting someone to avoid expenses.

Sheriff Ogden advised Mrs. Somers that in 1998-1999, Yuma County received about \$700,000 for incarceration costs of \$1.2 million, and in 1999-2000, about \$750,000 was received for incarceration costs of \$1 million. This year he was told that a tremendous amount of applications were submitted for the funds, so he has no idea how much will be received. He acknowledged that although the County is not reimbursed dollar for dollar, SCAAP funds are appreciated.

Captain Leon Wilmot, Yuma County Sheriff's Office, spoke about the major impacts of illegal immigration relating to overdue missing persons/death investigations, thefts of property (tractor thefts), and incarceration costs (Attachments 1, 2 and 3). He explained to Mr. Soltero that individuals scout agricultural fields until the type of tractor that is needed is located. The individuals generally have a key to the tractor or knowledge of security measures taken by the farmer. The majority of the time tractors are driven across the levee at Gadsden into Mexico, and unfortunately, it is difficult to stop the tractors due to their size. The Sheriff's Office is able to contact Mexican authorities in an attempt to catch individuals when they cross the border, and two or three tractors were recovered and returned to owners that way. He added that people are paid \$1,500 to \$2,000 to steal the tractors.

Captain Wilmot advised Mr. Soltero that a number of car thefts occur in Yuma County that are combated with the Arizona Department of Public Safety's (DPS) Mexican liaison officer. Vehicles are often found in Mexico and victims are at least given a contact point where the vehicles can be recovered. Vehicle thefts depend on the year, make, and model the individuals are looking for. At one time, Toyota Four-Runners were a top vehicle, but usually pickup trucks are targeted.

Mrs. Somers asked the significance of the 72-hour custody requirement for SCAAP funds. Captain Wilmot indicated that if someone is not on an immigration hold and commits a minor violation, the judge may release the individual on their own recognizance to return to court. Anyone held over 72 hours is held on a high bond for a particular crime as well as immigration hold. He related to Senator Hellon that he does not know how many people are detained for less than 72 hours. Those individuals were previously tracked under a different grant, but now only those held more than 72 hours are monitored for SCAAP funds.

Mrs. Somers asked if individuals released on their own recognizance return to court. Captain Wilmot replied that foreign born does not necessarily mean the individual is in the country illegally. If the individual has a residence or someplace local where the court believes he/she will remain for a period of time, the individual is released on their own recognizance.

Sheriff Ogden related that people are not asked if they are foreign born, but where they were born. A list of people not born in the U.S. is turned over to the federal government where it is determined who falls under SCAAP and reimbursement is made accordingly. He speculated that the 72-hour requirement relates to a time period in the criminal justice system. He added that any individuals released on their own recognizance have the opportunity not to show up again in court. He does not know how many return to court, but some return to Mexico or elsewhere and are not heard from again.

Patricia Orozoco, Yuma County Attorney, indicated that she is pleased to see so many people from Tucson where she was born and raised. She related that the Yuma County Attorney's Office is charged with prosecuting cases from law enforcement agencies, and due to the close proximity to the Mexico border, a large number of drug importation cases are prosecuted. Before she became the County Attorney two-and-a-half years ago, over 200 drug importation cases per year were prosecuted, which placed a terrible burden on the system. In April 1999, her predecessor worked with the U.S. Attorney's Office to obtain a special grant to hire an attorney and secretary, and later, an additional attorney. The attorneys work for and are paid by the County Attorney's Office, but also work for the U.S. Attorney's Office. As a result, the number of drug importation cases in Yuma County decreased, although 30 to 50 cases per year are still prosecuted, depending on the cases. Sometimes a determination is made that the sentencing ranges in a State case would be better than a federal case, so the County Attorney's Office takes the case. She noted that those prosecution decisions are limited to the border counties.

She apprised the Members that at the end of August 2001, the Attorney General's Office prosecuted an alien smuggling case in which a male individual took a mother, father, and 13-year-old son across the border and abandoned the family in the desert. The 13-year-old son left his parents to find water and died. When the parents were found, the mother was in very bad condition and spent four or five days in the hospital in Yuma County. She related that it took about a week to prosecute the case, and since it was a State case, incarceration at the jail facility was a State burden. The public defender was paid for with State funds and State court time was utilized. She added that in May 2001, 14 dead bodies were found in the desert. Three were found in Yuma County, which paid for the cost of transportation of the bodies to Tucson and autopsies needed for prosecution. She advised that the U.S. Attorney's Office is in the process of prosecuting the case, but again, these are issues border counties deal with that do not apply to counterparts further north.

Ms. Orozoco related that the County Attorney's Office also prosecutes a number of undocumented immigrants for crimes committed in the U.S., which is another situation that only counties with borders adjacent to Mexico face. She indicated that on any criminal calendar day in any of the courts, people are detained who wear orange buttons identifying them as immigration holds, which means they are present for a State court proceeding, but detained because of immigration problems. She added that the prosecution process has improved due to cooperation of the U.S. Attorney's Office in providing the two attorneys and secretary, but by no means has the situation been resolved.

She referred to the 72-hour requirement and explained that when a person is taken into custody, a magistrate must be seen within 24 hours, and after the 24 hours, the County Attorney's Office has 48 hours to file a criminal complaint or the individual is released.

Becky Brooks, Interim Deputy Director, Yuma County Health Department, welcomed everyone to Yuma. She noted that the population of Yuma has increased, and with the influx of illegal immigration, natural growth, migration of winter visitors, and farmworkers going back and forth, the population fluctuates throughout the year. Any increase in the population results in an increased need for health services and staff time to provide services, which include:

- Nursing visits in the community, mostly for infant and family assessments.
- Pregnancy issues, such as education to keep teens from becoming pregnant and prenatal care.
- Communicable disease issues requiring vaccines, investigation, and treatment of partners, family members, or community people that might be involved.
- Investigation, treatment, and prevention of sexually transmitted diseases (STD), particularly chlamydia, which is more prevalent than other STDs due to lack of symptoms and lack of education on both sides of the border.
- Human Immunodeficiency Virus (HIV) counseling and testing, as well as prevention, investigation, and treatment of individuals who test positive. About 60 to 100 HIV tests are done each month, which is an increase from about 30 to 50. Twenty percent are associated primarily with immigration requirements that individuals must be tested for HIV.
- Incidences of tuberculosis (TB) requiring investigation, treatment, and prevention.
- Administration of immunization vaccines, preparing clinics, answering questions, and completing paperwork.
- Women, Infants and Children (WIC) services such as food vouchers and education for nutrition for approximately 6,000 people per month.
- Increased surveillance for bioterrorism in which trends and clusters of diseases are to be reported to the State for transmittal to the Center for Disease Control (CDC).

Ms. Brooks indicated that another factor related to immigration is cost. Funding was received from the County for some mandated nursing services, from the State and federal government through grants, and some fees are charged, but no one is ever turned away for services for lack or inability to pay. She made the following comments in relation to cost:

- Each year the funding level is the same amount or decreased, which recently seems to be prevalent with State and federal grants, and she has been told to expect at least level funding, if not decreased funding, in the near future.
- Many times grant amounts, such as the TB grant, are determined by national numbers, which in no way represents the number of cases in Yuma County.

- Vaccines to prevent flu and pneumonia have become quite costly and the cost increases on a yearly basis. A number of Mexican physicians were sending parents with children to Yuma County to receive the vaccine to prevent pneumonia (which costs \$45 per dose) because it was not available in Mexico or very difficult to obtain. As a result, utilization of the vaccine increased, and the State contract stipulates that anyone who presents for a vaccine must be given a vaccine.
- Occupational Safety and Health Administration (OSHA) regulations require that items such as syringes must be needleless, i.e., once the needle is in someone's arm, it cannot be touched so a mechanism must be in place to pull the needle back into one container that can be thrown away. As a result, the cost of syringes increased from 15 cents to 45 cents.
- HIV, STD, TB, and communicable disease treatments and medications are quite costly. A TB treatment regime costs \$3,000 without complications, but often patients have many complications, which increases the cost considerably.

Ms. Brooks stated that with the increase in communicable disease, people are contracting diphtheria, measles, mumps, chicken pox, flu, and pneumonia. Coupled with the increase in demand on staff and lack of staff to perform services because of funding cuts, there is an imbalance as far as taking care of services for the community. She added that the Department also provides services that are not associated with diseases, but add to the quality of life and health services for the community, which could decrease as the need for other services increases.

Martha King, Director of Nurses, Yuma County Health Department, advised Senator Richardson that the Department does not pay for prenatal care for undocumented women because there is no grant money is available. The Department basically identifies the fact that an individual is pregnant and attempts to seek resources in the community so the person can receive care. Education is also provided so the individual will have a healthy baby.

Senator Richardson stated that prenatal care for undocumented individuals is a concern since she represents the border area in Nogales. When a woman crosses the border and becomes documented, any children born in the U.S. become U.S. citizens. She noted that clinics in Nogales do not refuse treatment to anyone in the emergency room. She contended that if prenatal treatment is provided and results in the birth of a healthy child, the child will cost the U.S. or the county much less.

Mr. Cannell stated that he believes the hospital in Yuma has a prenatal program for women who do not qualify for AHCCCS or programs requiring citizenship because it is much better to have regular prenatal care than take care of a 30-week premature baby or a baby with serious medical needs. Again, though, it is money the hospital has to pay out. Ms. King added that emergency access comes into play for delivery.

Ms. King advised Senator Hellon that immunizations occur in cycles. Just before school begins, the Department is inundated with vaccinations, then the demand levels off. As the demand for vaccinations levels off, flu season begins, and issues and problems related to shortage and late delivery of vaccine are costly and a problem for staff. Winter visitors used to obtain flu vaccines before leaving home, but now the vaccine is not always available so they try to obtain the vaccine in Yuma County. Otherwise, most of the increased services are ongoing.

Mr. Carruthers commented that in order to put the number of needs in perspective, he has heard that tens of thousands of people per day cross the border in this area. It is a very busy border.

Ms. King indicated to Ms. Hellon that there are 16 nurses on staff, as well as health aides and clerks who help process paperwork. Ms. Brooks added that one gentleman is paid half of the time to conduct investigations for treatment and care for the STD program and works half of the time with another nurse on communicable diseases. Two people work in the HIV program and cover three different areas.

(Tape 1, Side B)

Ms. King indicated that patients are not asked if they are documented so it would be very difficult to provide a figure. Care is costly, and as far as TB is concerned, incidences are increasing in Yuma County but decreasing other places. Part of the problem is that someone will be identified and diagnosed with TB in Yuma. The person will begin to take the medications, and return to Mexico (the Department would not even know the person was not a resident of Yuma because the individual provided a P.O. box number), quit taking the medications, feel worse, and return to Yuma for treatment. By that time, the patient has developed multiple drug-resistant TB, which is more costly and takes a longer period of time to treat.

Mr. Cannell related that the situation is not totally negative because the Health Department has a good relationship with the Health Department on the other side of the border. Ms. King agreed. She stated that as soon as it is known that someone left the area and returned to Mexico, health officials in Mexico are contacted to try to locate the person. More and more information is shared back and forth, which is very helpful in taking care of people.

Mr. Soltero remarked that people who cross the border into the United States also contribute to social security, sales taxes, and put all kinds of money back into the system, but often do not remain in the country or collect social security and other types of services. He agreed that the situation is not totally negative.

#### Impact of Immigration on Border Cities

Mayor Agustin Tumbaga, Jr., City of Somerton, echoed Mr. Soltero's comment in regard to benefits of immigration. He stated that when he heard about the meeting, he called the City Manager and asked about costs, but he could not provide figures because officers in the City of Somerton do not round up undocumented people since it is not their job. He stated that something close to his heart, especially with the population of the City of Somerton, is the great percentage of farmworkers who are undocumented. Many contribute to the community by paying the sales tax, property tax through rentals, and income taxes, but do not receive any of the benefits.

He thanked Senator Richardson for what is being done in relation to prenatal care. He said he used to work for the Health Department and visited areas where people did not receive care until about seven months into a pregnancy, and many times people would deliver babies in the camps. He indicated that there are always a few "rotten apples" in every group, but people who are truly in the U.S. working on farms and taking money home to their families are not being talked about. Undocumented individuals must wait five or ten years to obtain legal status in the U.S., which is



a problem that needs to be addressed. He added that undocumented individuals can purchase vehicles, but cannot obtain insurance because they cannot obtain a driver's license, which should also be reviewed.

Mayor Tumbaga reiterated the fact it is difficult for the City of Somerton to determine the cost related to undocumented individuals because it is not their job to profile. He said the Immigration and Naturalization (INS) does that and the County provides some assistance, but the City of Somerton is trying to find a way to help all people in the community have a better life so it is necessary to weigh the cost with what is better for the community.

He related to Mrs. Somers that the number of undocumented workers in Yuma County ranges from 45,000 to 55,000 during certain parts of the year. The average wage for working in the fields ranges from \$5.15 to \$6.00 per hour. Mrs. Somers expressed doubt that anyone could afford insurance on those wages. Mayor Tumbaga submitted that a person who works at Jack In The Box for \$5.25 per hour can afford insurance, so a farmworker could, too.

When asked by Mrs. Somers if he supports the guest worker program, Mayor Tumbaga responded that he does not because assistance should be provided to undocumented individuals presently in the country who are waiting five to ten years to obtain permanent documentation and he understands that the program would bring an influx of new individuals into the community. He added that he would support the program if people currently in the country were assisted first.

Mr. Soltero stated that the proposed guest worker program is similar to a federal program from many years ago when working conditions were not ideal, and he is concerned about whether workers would be treated and housed properly and provided medical attention. He added that he is also concerned about how the program would impact people already in the U.S. and people in the country who depend on jobs involved with the guest worker program.

Senator Richardson remarked that when she attempts to pass legislation to provide money to the counties for prenatal care for undocumented women, it is often difficult to convince colleagues that people apply for a card to become legal citizens, but it takes many years, and in the meantime, women become pregnant and those children should be taken care of.

Mayor Tumbaga commented that with 45,000 to 55,000 people in the County during a certain part of the year, designated housing through nonprofits amounts to under 100 houses and 100 apartments, not apartment complexes, but actual apartments. He agreed that it is important to make sure services for farmworkers exist before taking any action in regard to the guest worker program. He advised Mrs. Somers that living conditions are currently overcrowded. Individuals live in apartments, trailers, etc. During certain times of the year, rent increases in the County because winter visitors arrive at the same time as many of the farmworkers. Apartments that normally house two to three people house eight people. Each individual is charged a set fee so what would normally be \$400 per month amounts to \$800 per month. Some abuse occurs, but at the same time, there is a need.

Mayor Alex Joe Harper, City of San Luis, welcomed the Members to Yuma. He related that since September 11, people who used to wait in cars to cross the border are waiting on foot, sometimes for two or three hours. Seasonal workers will soon be crossing to cut lettuce, etc., and there will probably be tremendous lines. Cars crossing the border are unbelievable. When

Level I checking first began, the Police Department and others helped because checks were made both ways, but even then, all of the lanes could just barely be kept open. He said it is impossible, without more people from U.S. Customs and Immigration to keep the lanes moving at a regular pace. He stated that, hopefully, the present crossing will improve when the new crossing is built because the idea is to remove truck traffic from the current crossing. People walking are currently crossing the line of traffic, which is very dangerous.

Mayor Harper pointed out that one blessing is that illegal immigration has decreased; however, businesses in San Luis totally depend on the Mexican side for business, and the City depends on the sales tax since there is no property tax. Unfortunately, sales tax revenues are down about 30 percent.

Mrs. Somers opined that whatever is done to resolve issues should be done in a way that keeps commerce healthy on both sides of the border and retains the valuable relationships in both countries. She asked if there is not enough space to make more crossing lanes or if more people are needed to help, such as the National Guard. Mayor Harper replied that the National Guard was used for a long time at the truck crossings and sometimes in other lanes, which helped greatly, but police officers and others can no longer be used because no more funding is available for overtime. Now that a higher level of checking is done, hoods are opened and even women's purses are checked, which takes more people. If there were four or five people to conduct checks in the lane, cars could be moved faster and security would be maintained. He added that another benefit is that very little drugs are taken across the border now.

Mr. Soltero mentioned that he visited the border at San Luis a few years ago and it is a very busy place. Mayor Harper said 29,500 people cross daily. The last report during September was about 16,000. He related to Mrs. Somers that people or vehicles are not checked going south, but it takes those going north two to three hours to cross, depending on the time of day, and a tremendous amount of people are going back. He added that Yuma is probably suffering as much as San Luis, or perhaps more, because about 80 percent of the people who cross the border in cars go to Yuma to shop, and now many of those people are crossing on foot and remaining in San Luis. He indicated to Senator Richardson that it is very difficult to differentiate between people crossing to shop and those crossing to work.

### **Presentation on Yuma Sector Operations**

Michael Nicley, Chief Border Patrol Agent, related that the Yuma Border Patrol sector has 316 Border Patrol agents, and with support personnel, there is a total of about 400 people. It includes 116 miles with some in California and all of Yuma County. The Yuma sector makes many more arrests than all other law enforcement agencies combined. For the fiscal year that just ended in September, around 80,000 arrests were made, which is 26 percent below the year before when just over 100,000 arrests were made.

Mr. Nicley stated that establishing order along the border would have a dramatic impact on the problems that occur in Yuma County. He believes, as do many law enforcement organizations, that deterrent is the cornerstone of enforcement. The idea is not to have people come into the U.S. and be arrested, but to prevent people from coming into the U.S. unlawfully. He related that San Diego had an all-time record of arrests in 1986 with over 629,000. The government said two or three out of five illegal immigrants were apprehended, but he was there, and that was very

optimistic. Last year, the San Diego Sector barely broke 100,000 arrests, and that border is 85 to 90 percent under control, which is what the Border Patrol is aiming for all up and down the border.

Mr. Nicley related that he would like to see arrests in the Yuma sector continue to decline with the Border Patrol having more control over the border, and resources are on the way to help accomplish that. He indicated that the number of deaths and people who find themselves in trouble in the desert are being suppressed. There is now a four star team in the sector and a heavy lift helicopter that can be used to rescue people in trouble. The Border Patrol has all-terrain vehicles and will be deploying rescue beacons in very remote areas, one of which will be the area where the 14 people died so anyone in trouble can summon for help. He said these measures are not designed to encourage people to enter the U.S., but to let people know that if they enter the U.S. unlawfully and run into a Border Patrol agent, they will be taken into custody. The deaths certainly should not be the sanction for entering the U.S. illegally and it is important to temper enforcement resources with humanitarian aspects.

Mr. Soltero brought up the fact that he was told that Border Patrol agents do not arrest individuals in order to avoid incurring hospital costs.

Mr. Nicley responded that the Border Patrol functions like any other law enforcement organization in that it does not take people into custody that would not normally be taken into custody for the purpose of having the city, county, state, or federal government pay medical bills. He noted that a police officer who comes upon someone who is injured that might normally be cited or arrested, i.e., a person driving while intoxicated who is in an accident and injured, the police officer would normally summon emergency medical care and issue a summons or whatever needs to be done to get the person into the system; however, the police officer would not take the person into custody for the purpose of having the medical bills paid. Likewise, if the Border Patrol comes upon somebody that would normally have an administrative action to settle out, i.e., the person will not be charged criminally, but given an administrative voluntary return to Mexico, if the person needs emergent care, he/she would not be taken into custody, but emergency medical care would be summoned. He added that if the person is an aggravated felon, such as a narcotics or alien smuggler under pursuit who killed a few innocent people or committed a serious crime, the person would be taken into custody and 100 percent of medical care would be paid.

Mr. Guenther commented that if someone is in the country illegally and the onus is placed on getting medical attention before asking any questions, the final disposition of the individual is where the bill should reside. If the individual is subsequently arrested because of illegal status, the federal government should pay the medical bill, and the same would be true for the County Sheriff. He asked if the Border Patrol follows up after a person receives medical care if the person was found in questionable circumstances. Mr. Nicley replied that no follow-up is done.

Mr. Nicley explained that he cannot legally spend appropriated (operational) funds on county health care for illegal immigrants who are not in custody. He clarified that many times the hospital will call the Border Patrol and ask for assistance in getting someone back to Mexico and the Border Patrol will obtain help from Mexican government officials, but does not assume responsibility for medical care. He related to Mrs. Somers that to his knowledge, the federal government always pays medical bills for people in custody who need medical care and it is a

simple purchase order process. The Border Patrol signs for care of the person at the hospital and the bills are paid without question. Discussion followed.

Robert Olson, Chief Executive Officer, Regional Medical Center, indicated that he is prepared to give testimony about the impacts on the health care system, but in the interest of time, one of his associates will present the report in writing. He agreed with Mr. Nicley that there are some administrative issues involved and the Border Patrol does not take illegal immigrants into custody very often. He referred to the unfortunate incident in May involving the 14 deaths and noted that he received a call from Washington, D.C. stating that if he would low key the incident in the press, the hospital would be paid, but that is the exception rather than the normal way issues are dealt with along the border.

### **Public Testimony**

Dr. Doug Bobbitt, United Methodist Pastor, Yuma County Interfaith Council, stated that the Council has been in Yuma for about three years and is part of a statewide network of interfaith communities. He indicated that he is glad to see the Members in Yuma. He noted that the Council conducted over 1,000 visits with families over the last two months and presented its agenda to supervisors, leaders of cities, and State representatives.

(Tape 2, Side A)

Olivia Sanchez, Yuma County Interfaith Council, testified that everyone is worried about people crossing the border and dying, but people in Yuma County are also dying. She stated that she knows a family that has lived in the U.S. for three years. The father is the only legal resident and his 14-year-old son is very ill. The father is a farmworker so the family has no insurance and the child does not qualify for AHCCCS because the immigration status is not legal. She remarked that the family could lose this child in the U.S. She added that she can share thousands of similar stories, adding that waiting to become documented is one of the many problems for these families.

Father Javier Perez, Yuma County Interfaith Council, opined that people will come to the U.S. no matter what, not because there are smugglers, but because people are starving. They come to the U.S. to work, which is evidenced by the farmworkers and others working in restaurants and hotels, etc., so it is important to respect people's dignity. He added that he understands that the U.S. has the right to control immigration. He mentioned a lady whose daughter passed away because she did not qualify for AHCCCS. Even though she was living in the U.S. legally for three years, she needed five years to qualify. Her daughter had cancer and was not able to receive a transplant. He stated that he is very concerned since they were legal immigrants in the U.S. He hopes the Committee will listen and find out what to do in such situations.

Mrs. Somers remarked that she believes a recent court decision said the five-year wait is not legal. Going forward would not be an issue, but she is very sorry about that particular case.

### **Discussion/Closing Remarks**

Dr. Bobbitt asked how the Legislature is looking at all issues since September 11 and how the \$1.5 billion shortfall will impact issues facing families in Yuma County.

Senator Guenther responded that the Legislature is getting geared up to look at the ripple effect of the tragedy of September 11. As one sector of the economy is impacted, other sectors are consequently impacted, especially in a State that relies very heavily on sales tax revenues and tourism, which has been severely impacted across the border and within the U.S. The Legislature is going back into special session on November 13 to address the shortfall, which is between \$400 and \$500 million for FY 2002. He opined that it would be premature to make changes for 2003, so hopefully, the Legislature will concentrate on 2002. Attempts are being made to minimize the impact of the budget shortfall on services provided, which may require using budget stabilization funds, bonding for school facilities, and significant agency cuts, hopefully, in non-program areas. He added that certain factions within the Legislature and Governor's Office are opposed to some or all of those options, so negotiation will be necessary, but he believes everyone wants to minimize impacts during 2002 to keep from cutting services or service providers.

Mr. Soltero noted that the State economy was already in a bad slump prior to September 11, which compounded the problem. Hopefully, all legislators are conscious of what is needed and will decide what areas can take a bit of a hit more than others; however, all are concerned about health care and many other issues.

Supervisor McLendon thanked everyone for traveling to Yuma and listening to the testimony. He acknowledged that the Legislature has a difficult job ahead. After hearing the mayors talk about the impacts of sales taxes already, he hopes a bipartisan committee will be appointed in the special session to review what can be done to solve the problem without hurting services that are desperately needed in the counties and cities. He recognized Councilman Bobby Brooks from the City of Yuma and Alan Stephens, Executive Director of the County Supervisors Association. He thanked Wally Hill, County Administrator, and Kevin Tunnell for compiling data and Esther Jablina for translating the meeting, which has been televised. He noted that the cost of televising meetings is not paid for with general fund/taxpayer dollars. He asked the Members not to raise taxes or hurt the counties and cities.

Senator Hellon thanked Supervisors McLendon, Reyes, Shipp, Stuart, and everyone present for being so warm, open, and understanding of the time constraints. Mrs. Somers added that the Committee has been given some ideas to follow-up on. An easy overnight fix may not be possible, but hopefully, everyone can work together as a team on solutions the right way.

Supervisor Reyes thanked the Members for their patience and travelling to Yuma.

Mr. Soltero thanked everyone for attending the meeting even though it is a holiday.

Without objection, the meeting adjourned at 3:30 p.m.

  
Linda Taylor, Committee Secretary  
October 19, 2001

(Original minutes, attachments, and tapes are on file in the Office of the Chief Clerk.)

ATTACHMENT  
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Agendas can be obtained via the Internet at  
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**ARIZONA STATE LEGISLATURE**  
**INTERIM MEETING NOTICE**  
**OPEN TO THE PUBLIC**

**Ad Hoc Committee on Immigration**

**Date:** Tuesday, October 30, 2001  
**Time:** 10:00 a.m.  
**Place:** City of Douglas Council Chambers  
425 10<sup>th</sup> Street  
Douglas, Arizona

**AGENDA**

1. Call to Order
2. Impact of Immigration on Cochise County – Supervisor Paul Newman, Cochise County Board of Supervisors
  - Facilities & Solid Waste
  - Health Department
  - Attorney's Office
  - Sheriff's Office
3. Impact of Immigration on Border Cities
  - City of Douglas – Mayor Ray Borane
  - City of Sierra Vista – Mayor Tom Hessler
  - City of Bisbee – Mayor Dan Beauchamp
4. Presentation on Tucson Sector Operations – Edward Pyeatt, Deputy Chief Border Patrol Agent
5. Public Testimony
6. Adjourn
7. Site Tour – An Environmentally Impacted Area

**Members:**

Senator Chris Cumiskey, Cochair  
Senator Toni Hellon

Representative Carol Somers, Cochair  
Representative Victor Soltero

Persons with a disability may request a reasonable accommodation such as a sign language interpreter, by contacting the Senate Secretary's Office: (602) 542-4231 (voice). Requests should be made as early as possible to allow time to arrange the accommodation.

NS/tam 10/24/01

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ARIZONA STATE LEGISLATURE

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Ad Hoc Committee on Immigration

Minutes of the Meeting  
Tuesday, October 30, 2001 10:00 a.m.  
City of Douglas Council Chambers  
425 10<sup>th</sup> Street  
Douglas, Arizona

**Members Present:**

Senator Chris Cummiskey, Cochair  
Senator Toni Hellon

Representative Carol Somers, Cochair  
Representative Victor Soltero

**Guests:**

Senator Marsha Arzberger

Representative Bobby Lugo  
Representative Mark Maiorana

**Staff:**

Nadine Sapien, Senate Research Analyst  
Mike Huckins, House Research Analyst

**Tape 1, Side A**

Cochair Cummiskey called the meeting to order at 10:00 a.m. and attendance was noted.

Senator Cummiskey expressed the Committee's appreciation to Mayor Borane and the City of Douglas for hosting the meeting. He introduced cochair Somers and the members of the Committee.

Representative Somers remarked that this is an important issue to the State, and especially the communities that the Committee will be visiting. She stated that the Committee was present to learn about the problems with the breakdown of communication between the State and the federal government as well as to obtain ideas for solutions. She expressed her appreciation for the public turnout to the meeting.

Ms. Sapien stated the purpose of the Ad Hoc Committee on Immigration is to examine the impact of immigration policies and practices on Arizona's county governments including health delivery systems, environmental protection, and criminal justice and law enforcement. The Committee shall submit a written report of its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives and provide a copy of the report to the Secretary of State and



the Director of the Arizona State Library, Archives and Public Records by December 15, annually. She stated the Committee expires on December 31, 2002.

## **IMPACT OF IMMIGRATION ON COCHISE COUNTY**

**Supervisor Leslie Thompson, Cochise County Board of Supervisors**, stated that Cochise County is known as the "avenue of choice" for illegal immigration. He urged the members to review the previously distributed University of Arizona (U of A) Border Impact Study relating to the criminal justice system and emergency medical service impacts incurred by the four border counties.

Supervisors Thompson remarked that of any level of government in the United States, counties operate under the most restricted authority to raise and spend revenues. County governments must also balance their budgets annually and live within their strict limitations, or incur debt. He stated that unanticipated expenditures throughout the fiscal year means cutting back on budget programs and services. Furthermore, he noted that county governments along the U.S./Mexican border are some of the poorest in the nation and traditionally operate with slim budgets and staffing. He remarked that treatment of illegal immigrants as well autopsies and burials, often become a county expense.

Supervisor Thompson noted that ranchers along the border, particularly in Cochise County, have begun to organize themselves in hopes to deter the escalating practice of trespassing across their properties. By May 2000, the situation had become so volatile, that U.S. Senator John McCain called on Attorney General Janet Reno to take immediate action to protect Arizona's border residents from a flood of illegal immigration. He stated that Senator McCain wrote that the people of Cochise County could not tolerate the lawlessness, crime and property damage associated with the absence of the appropriate federal response to the flood of illegal aliens any longer.

Supervisor Thompson stated that county governments are dependent on local property taxes as a main source of revenue. The county tax rate and the assessed value of the land determine property tax collections. He encouraged the members to review the chart comparing the tax rates of the 15 counties of the State. He noted that of the six highest taxed counties within the State, four of those counties are border counties.

Supervisor Thompson noted that counties are also dependent on the State government to return a portion of the state taxes that are generated in counties. He noted that not all states share state taxes, however, only a few counties have the authority to levy a tax other than a property tax. Cochise has the authority to levy a .5 cent sales tax, which it has taken advantage of. He stated the other counties within the State also have this authority and the majority of the border counties are doing this as well. Compounding the fiscal constraints of county government further many counties along the border contain large portions of land owned by the federal government, or Indian tribes, which are not taxable.

Supervisor Thompson remarked that county governments traditionally have difficulty in financing their expansive operations and the additional burden of providing services to illegal citizens is causing concern among county officials and local citizens.

Supervisor Thompson noted that Cochise County is spending approximately 10% of its general fund budget of just over \$40 million, \$4.7 million, to address this burden. He remarked that \$3.3 million is allocated to the sheriff's department, \$260,000 is allocated for indigent defense, related to illegal immigration, \$177,000 is attributed to the County Attorney's Office for illegal immigration and \$340,000 is allocated to the County's court system to handle illegal immigration problems. In 2000, 615,574 apprehensions occurred in the Tucson sector with 438,000 who entered through Cochise County. He stated that apprehensions have dropped by 23%, which leaves over 300,000 individuals that are being apprehended. He noted statistics given to the county regarding the ratio between apprehended illegal immigrants versus those that are not caught is as high as one in eight and as low as one in three. Even using the lower ratio, there are over a million illegal immigrants that are entering the country every year through Cochise County.

In addition to the financial burden on the County, Supervisor Thompson explained how the illegal immigrants are transported to areas prior to designated checkpoints and then are forced to walk around the checkpoints to meet up with their transportation. He noted that the areas that they walk through are neighborhoods where they rob homes steal food and create fear within the neighborhoods.

Supervisor Thompson stated that a study of the hospital costs is underway by the Border Counties Coalition and it appears that there may be more than \$2 million per year spent on uncompensated care given to undocumented aliens. A substantial portion of this care is given at the Southeast Medical Center, which is located in Douglas. He stated that the Center is on the verge of bankruptcy.

Supervisor Thompson stated that not only is Cochise County the "avenue of choice" for illegal immigration, it is also the primary drug corridor. The County can not provide adequate law enforcement with only 52 sworn officers for 6,200 square mile area. He noted there is a tremendous working relationship with city mayors and managers throughout the County who provide much law enforcement outside of their incorporated areas.

Supervisor Thompson noted that the County has received three federal appropriations due to efforts made by Congressman Colby, Senator Kyle and Senator McCain. He noted that these were one-time only appropriations. He stated that the County is asking the State to assist them in deferring the costs associated with this multi-faceted problem.

Representative Somers noted that Supervisor Thompson had brought this issue forward on a federal level to the President's and his team. She asked what impressions he had with what he learned from that process. Supervisor Thompson remarked that the 26-27

U.S. Representatives and U.S. Senators that represent the four border states recommended that he speak with other Senators and Representatives regarding this issue. Based on their recommendations, copies of the U of A Border Impact Study were distributed to all of members of both the U.S. Senate and the U.S. House of Representatives. He remarked that although they admit it is the responsibility of the federal government to fund this, the only funds that have been appropriated are the three previously mentioned one-time appropriations.

Representative Maiorana remarked that last year, the congressional delegation encouraged the State Legislature to allocate funds, which would give them "ammunition" to get federal relief funds. He stated that there was an \$8.8 million appropriation bill for the four border counties, which did not get passed out in session.

**Bruc Springer, Director, Facilities Solid Waste Management, Cochise County,** stated that one of the responsibilities of the Department is to locate, investigate and clean up illegal dumpsites. There is one solid waste inspector who inspects sites in the entire 6,000 square mile county.

Mr. Springer explained that illegal solid waste dumpsites can be found anywhere and typically have mattresses, stoves, chairs, tires and a variety of other items. Once a site is located, the inspector tries to find identification that can be used to locate who dropped the waste. If identification can be found, the inspector contacts the violator and demands that they pick up the waste, otherwise, the County is responsible for removing the waste. He stated because the County has become the "avenue of choice," the Department is also responsible for removing the remains of trash left by the illegal aliens.

Mr. Springer stated that in June 2000, the Board of Supervisors funded a \$10,000 countywide clean up program for three large and numerous small sites that were identified. 13.6 tons of trash was removed countywide with four tons being removed from the largest site, which took three days to complete. He noted that 75% of the 13.6 tons of trash was recycled. He stated that there is a difference between illegal dumpsites and undocumented alien (UDA) dumpsites. He stated that UDA sites are transition sites with the trash that is classified into four categories; one gallon plastic bottles; back packs; clothing; human and solid waste.

Mr. Springer stated that as of four years ago, his Department located approximately 230 sites per year of illegal dumpsites. Last year, 1,100 sites were located and approximately 50% of the sites were UDA related. He stated that these sites are considerable smaller than illegal dumpsites and are located in brush areas, near road markers. He remarked that these sites typically do not contain any form of protection against the elements and there are never any signs of fires being made.

Mr. Springer explained that these sites are not usually reported by citizens, but rather are discovered by following the characteristics of the site. Since June 2000, the

Department has cleaned up 23.5 tons of trash and spent over \$32,000 in UDA site cleanup.

**Diane Carper, Director, Cochise County Health Department**, stated that she been in this position for six weeks and in this time she has been inundated with border immigration issues.

Ms. Carper stated that in the services that the Department provides, it is difficult to be able to distinguish between legal and illegal immigrants when a mother presents herself with five children, three of which may be legal and the other two being illegal aliens. She stated that the Department provides services regardless of their status.

Ms. Carper noted that because of the fear of being sent back many patients wait to be treated, consequently their conditions are much more serious and costly to treat. Additionally, there is an additional cost to the County with the treatment of illegal immigrants that are being detained in the jail facility. The Department also provides maternal and child health services to people in the community, both legal and illegal.

Ms. Carper commented that there is one diabetes educator who travels all over the County to provide services and noted that many illegal immigrants are given this service. Substance abuse is another issue that is prevalent within the illegal immigrant community and the County has to deal with the fall out from this problem. HIV education and services, as well as immunization services are further costly services being provided to illegal citizens.

Ms. Carper remarked that there are numerous administrative and environmental costs for the County that effect legal and illegal sectors of the population, such as in a sewer malfunction. In such an instance, the Department may be called upon to assess the situation, evaluate legitimacy of rumors regarding communicable diseases, chlorinate and monitor the sewer spillage. The Department also has epidemiological and communicable disease investigation services throughout the County. If a biological scare were to occur, the Department would investigate the situation, whether the people affected are legal or illegal citizens. These issues, as well as indigent burial and medical examiner fees are part of the Department's administrative costs.

Ms. Carper stated that on average, three out of five members of a family are legal in some areas of the County. That means, that the remaining family members are treated as well, but this treatment costs the County between 10% to 30% of the Department's \$9 million budget.

In response to Representative Soltero, Ms. Carper stated that utilizing grant money is the alternative she would use in the event that the Department's budget is depleted.

In response to Representative Somers, Ms. Carper remarked that creating an emergency response team would be a funding priority for the Department, if the 10% to 30% of the budget were not spent on illegal immigration health issues. There are many

other areas the Department would like to expand, such as the current hospital system and networking with other medical services in the community.

Ms. Carper agreed with Ms. Somers comments about the growing problem with illegal immigrants receiving partial treatment for tuberculosis, being returned across the border only to return to the States because the treatment has not been successful. Additionally, because many of the treatments were not completed, family members have been exposed to the disease, causing more costly treatment.

Representative Soltero asked if the State Health Department is of assistance to the County with supplying supplies or information. Ms. Carper stated that the State Health Department has been helpful with providing information and with some equipment.

**Chris Roll, Cochise County Attorney's Office**, remarked that the County Attorney's Office is indirectly impacted with the illegal immigration situation because of the increase in the number of crimes being prosecuted. He noted the addition of border patrol forces to local law enforcement has increased the number of people apprehended in committing crimes. He remarked that there has been a noticeable increase in number of stolen vehicle cases, which have at times, been related to the illegal immigration situation.

In response to Senator Cummiskey, Mr. Roll stated that he would not be able to supply the Committee with any estimates of collateral criminal activity with regard to illegal immigration. He commented that most of the immigrants that enter into the County are not staying and are traveling through. The types of crimes that these people are committing are more in line with trespassing and littering.

**Sheriff Larry Dever, Cochise County Sheriff's Office**, remarked that he had testified at the last meeting and did not have much to add regarding this situation. He commented that he has had the opportunity to be a spokesman for the County over the last five years and has met with many officials.

Sheriff Dever wanted to remind the members that the County Health Department as well as the Sheriff's Department, is a general fund user. He noted that the money that is spent on public health issues and conditions associated with this illegal immigration situation is money that could be re-directed to public safety concerns. This is applicable to any County department that is spending an inordinate amount of money on illegal immigration related issues, could be re-directed to other problems.

Sheriff Dever remarked the Sheriff's Office does supply the County with 24 hour, seven-day week coverage, but only on a response type basis, not continuously. He stated that many times this requires a Deputy to travel hundreds of miles from his home.

Sheriff Dever noted that Supervisor Thompson remarked on the number of high injury traffic accidents that occur in the County and reiterated that many of the victims of these

accidents are triaged and then sent to trauma centers in Tucson for treatment. The payments for these injuries are not compensated to the centers.

Sheriff Dever gave a slide presentation of photos for the Committee members.

#### **Tape 1, Side B**

Senator Cummiskey asked for a description of the typical response from the Sheriff's Office regarding private property areas of the County when there are large influxes of illegal immigrant activity. Sheriff Dever stated that many property owners, because of the frequency of these occurrences, call the Border Patrol directly, because of the limited capacity of the Sheriff's Office to respond. He stated that once his Office is notified, the Border Patrol is notified, and deputies are sent as quickly as possible to capture as many people as possible. He stated that unless the violators are repeat offenders, the immigrants are identified and are released to Border Patrol who then deports them. Unless there is specific damage that can be attributed to an individual, a theft, an invasion or a crime other than trespassing, generally there is no enforcement action taken as it would put an immense strain on the system.

In response to Senator Cummiskey, Sheriff Dever concurred that this is a repeating cycle. He remarked that many of the immigrants tell the deputies "you know that we'll be back, so why don't you let us through?" He stated that many violators do exactly that. He noted that many of the people present in the hearing room have heard this and seen the same people trespassing on their property time and time again. This is the reality of the situation in Cochise County.

#### **IMPACT OF IMMIGRATION ON BORDER CITIES**

**Mayor Ray Borane, City of Douglas**, testified that this is a complex issue, as has been demonstrated with the testimony heard earlier. He stated that the City of Douglas is a port of entry for illegal immigration to this community, the region, the State and the country. He stated that the City affects national trade and plays a significant role in the prosperity of local, state and national economics.

Mayor Borane stated that when asked to speak on this issue, originally the City's concern revolved around immigration policy and the lack of a comprehensive effective federal policy. He stated that the concern was directly associated with how the nation's insatiable demand for immigrant labor was going to be addressed. He stated that the reported layoffs that were due to the decline of associated tourism industry and other ancillary services since the September 11, 2001 attack, are indicative of how important the nation's laborial dependence is on illegal immigrants. He remarked that there has been a decline of the number of illegal immigrants coming across the border, as the illegal immigrants are being laid off as well.

Additionally, Mayor Borane stated that increased security at the border, as a result of new anti-terrorists protocol, is putting a stranglehold on many local businesses in this

community, because many are facing sales decreases of 40% to 60%. Although he recognizes the necessity of the increased inspection, as a consequence, thousands of once legal visitors are no longer allowed in Douglas, Arizona or in the United States. Federally mandated laser visa requirements went into effect at the end of September, leaving many that were unable to apply for laser visa, to go through a long and time consuming process to obtain one. Ironically, the equipment that is necessary to read laser visas is not available at the border. He stated that all attempts to get a response from Washington to extend the policy on the visas were ignored. He remarked that although that is understandable, it does not help the City of Douglas.

Mayor Borane commented that the City's concern, because of these recent events, has changed from the illegal immigration situation, to a concern about the laser visa requirement and the economic fallout that will result from its use.

**Mayor Tom Hessler, City of Sierra Vista**, testified that it is questionable whether Sierra Vista is a border city, and noted that the City would not exist if not for Fort Huachuca. He stated that the City of Sierra Vista does not depend on the border as Douglas does, however it is in a border community and Mexican residents are responsible for a percentage of the economy.

Mayor Hessler stated that the citizens of the City do not see any visible effects of illegal immigration, but although that may be the impression, Sierra Vista is another well traveled route for illegal immigration and illegal drug trafficking. He stated that what affects Cochise County affects the City and therefore his primary concern is obtaining necessary assistance for the County.

**Mayor Dan Beauchamp, City of Bisbee**, testified that in addition to the impact illegal immigration has on the City's local hospitals, uncompensated care, fire services, emergency and ambulance services, transporting of aliens, another situation is the impact on neighborhoods. Because of the distance between the border and the City of Bisbee, many immigrants target the City as the place to spend their first night in the country. These immigrants find unoccupied homes and as many as thirty of them stay the night and leave these homes in disarray. He stated that this situation obviously has an unsettling impact on neighbors.

Mayor Beauchamp commented that other states have complicated, but effective payer schemes, with sharing of uncompensated care for non-residents to reimburse hospitals, who have people that they can not turn away, but do not have the money to pay for these services. He stated that his is appreciative of the compassionate care that injured and sick illegal immigrants receive, but their non-resident status creates a financial difficulty for the hospitals that treat them. Although immigration policy is the responsibility of the federal government, the regulation of hospitals is a state responsibility and he opined that the State could investigate how it could share in these costs.

Mayor Beauchamp commented that vehicles that are used in transporting illegal immigrants are impounded and after a certain amount of time, titles can be obtained for these vehicles, which can then be sold. This mechanism created between \$300,000 to \$400,000 for the City of Bisbee to pay for the costs associated with illegal immigration. As a result of this, the City was charged with engaging in racial profiling. There were serious concerns that the City was running a risk of a class action lawsuit. He stated that other border communities that used this mechanism were also in the same situation. This practice has since been discontinued.

Additionally, Mayor Beauchamp remarked that it is not clear to him, if it is legal for a police officer, on routine traffic stop, to ask for a person's resident status. He stated that there are varying opinions on this issue and there are appellate court decisions of the federal courts that say that this is not permitted.

Mayor Beauchamp commented that illegal and legal immigration is not going to stop, no matter what happened on September 11, 2001. He opined that if the State wants to make the border safer, regulation and management of the people who come to our country is needed, rather than simply pretending that it can be stopped.

Mayor Beauchamp opined that although it was not a popular solution, raising taxes to accommodate the costs Arizona is facing with the budget deficit and the situation that is occurring in the border seems to be a likely solution.

## **PRESENTATION ON TUCSON SECTOR OPERATIONS**

**Edward Pyeatt, Deputy Chief Border Patrol Agent, Tucson Sector**, testified that many if not all illegal immigrants turn to smugglers to help them get into the country. He stated a smuggler needs the following things to successfully operate a smuggling operation; roads to travel from Mexico into Arizona; a place to illegally get the people across the border; a staging location where they can be housed or concealed and transportation to move the people.

Deputy Pyeatt stated the Border Patrol's strategy to counter the smugglers' strategy is forward deployment and deterrent mechanisms to stop as much of the smuggling as possible. He noted that this can not be 100% successful, and noted that extensive resources are used to locate border crossing locations and staging locations as well as road blocks to disrupt the smuggling process. This strategy is called gain, maintain and expand. He explained the gain portion of the strategy is to control a piece of border; the maintain portion is to maintain the effectiveness of the border and to dilute the amount of resources at that point of entry; and the expand portion is to expand those resources along the border and roadways. He stated that this strategy is resource intensive and the necessary infrastructure needs to be in place for the strategy to be effective. Fences, lights and improved and all weather roads are the keys to a necessary infrastructure.



Deputy Pyeatt stated another resource the Border Patrol relies upon is technology, with the use of night vision equipment; video camera, remote sensors, both underground and surface, and a skywatch tower, which gives additional visual capabilities.

Deputy Pyeatt noted that another tool used by the Border Patrol is the consequence for the immigrant, the smuggler or guide and the driver of the vehicles transporting the immigrants. He noted that with assistance from the U.S. Attorney's Office in Tucson, the number of prosecutions have increased even as the number of apprehensions, arrests and traffic has begun to decrease. He noted that the City of Douglas had 1,243 successful prosecutions this last year as compared to 744 the year prior and the Naco Station had 550 prosecutions compared to 311 the year prior.

Deputy Pyeatt remarked that the Border Patrol is encouraged and pleased to see a reduction in the number of apprehensions and the increase in prosecution, but will continue to reduce the number of illegal immigrants coming into Arizona. He stated that the State's interest in helping to partner with the border counties and cities with this situation is encouraging as well.

In response to Senator Arzberger, Deputy Pyeatt stated the policy regarding the treatment of injured or sick illegal immigrants is very specific and that the federal government will pay for the treatment of illegal immigrants if they are injured or become sick while in the custody of the Border Patrol. He stated the Border Patrol is procluded by law from transporting individuals who are not in custody, to health care facilities for treatment, except in life or death situations.

Representative Somers asked why the Border Patrol does not return to the health care facility once the individuals are stabilized to investigate and arrest those individuals and take custody of them. Deputy Pyeatt stated it is not always possible to have an agent available to pick these people up, as most of the agents are on the border. He noted that in most instances, a follow up is done and individuals are investigated, arrested and placed under guard.

Representative Somers noted that if only one out of eight illegal immigrants is apprehended, then the current method of monitoring and apprehending them is not working. Deputy Pyeatt remarked there are plans that have been developed by Immigration and Naturalization Services that address what additional resources are needed to be able to apprehend more suspects.

## **PUBLIC TESTIMONY**

**Edith Mae White, representing herself,** testified that she resides in Double Adobe, Arizona, has lived there since 1970 and is a retired schoolteacher. She commented that all of the issues that were mentioned echoed her feelings regarding illegal immigration. She stated that she believes that this is a federal responsibility, as well as the State's. She recommended a guest worker program that would eliminate the illegality of the situation and reduce some of the costs associated with this problem.

**Jorge Valenzuela, representing himself,** testified that he has lived in Naco, Arizona his entire life, has been an eleven year member of the Naco School District, is a former member of the Naco Sanitary District, was a former Fire Chief of Naco for four years and has been a board member of the Copper Queen Hospital in Bisbee, Arizona. He stated that he has attended many meetings regarding this situation over the last ten years and the same things are being discussed, while nothing has been done. He stated that there are issues that only the federal government can address, but there are many issues that the State could and should take care of.

Mr. Valenzuela stated that some of the problems that citizens of Naco are experiencing are: the lack of a State highway, the lack of a wall to act as a safety buffer between Naco School the Naco bypass port of entry, only two-deputy sheriffs at any given time within 500 square mile vicinity of the Naco School, the proximity of Naco School to sewage overflows that are located a quarter mile from Mexico, which poses an extreme health risk to Naco residents, and sporadic fires at the Naco-Sonora landfill that produce toxic smoke that billows into Naco and has caused the Port Director to close the port.

Mr. Valenzuela noted that Naco is the port of entry to Bisbee and Sierra Vista and is affected likewise. He noted that local authorities are concerned about the presence of middle easterners and their potential for terrorist activities. The national media has been reporting that intelligence agencies are worried that sophisticated weapons are being staged in Mexico on the U.S. border. He opined that a stronger law enforcement presence should have a priority and should include the use of National Guard and other military assets under the control of the Governor. He outlined several similar health, economic and safety issues being faced by Naco, as the other border cities and urged the Committee to recommend to the Legislature to take action on the issues that the State has control over. He stated that Naco is not incorporated, and as such is dependent upon the County and the Board of Supervisors to speak on its behalf.

Senator Cummiskey stated that the State has never had a Committee similar to this one for investigating the problems that exist in the border counties and cities. He commented that the members are hopeful that there will be action that is measurable by the communities that are experiencing this problem as the Committee moves forward.

Senator Arzberger asked if the Department of Environmental Quality (ADEQ) staff member assigned to Cochise County that is monitoring the situation. Mr. Valenzuela commented that monitoring may be occurring, but the problem is in Mexico. Senator Arzberger stated that she would be willing to go to ADEQ and ask what the status of this situation is.

**Alice Benson, representing herself,** expressed her displeasure of the political climate of the City of Douglas for the last 30 years.

**Roy Goodman, representing himself,** testified that he is a member of the Citizens for Border Solutions and the Green Party. He stated that he was speaking for himself, and his views were not necessarily that of these organizations.

Mr. Goodman remarked on an article in the Arizona Republic on Sept 26, 2001, reported a story about an illegal immigrant who came to the country when she was eight years old, is now 26 years old and the mother of three U.S. citizens. Her ten-month old daughter had drowned and the judge gave her probation, on the condition that she attends parenting classes. However, since she is an illegal alien, she is being held by INS and could be deported or held indefinitely. Because of her detention, she is unable to attend the classes and could lose custody of her remaining children. He stated that the status of people such as this young mother needs to be addressed, as they have lived in the country for a long time, work and pay taxes and otherwise contribute to our society.

Mr. Goodman commented that the development of a program that has equitable labor rights.

**Roger Barnett, representing himself,** testified that he is a native Arizonan and is a rancher and businessman. He stated that illegal immigration is a disturbing problem with the trash situation that is created by the illegal immigrants. In addition, he noted that he has had water lines and fences cut and the natural wildlife has been displaced. He commented that the National Guard should be brought in to monitor and support the Border Patrol.

**Gary Thrasher, representing himself,** testified that as a veterinarian, his practice is along the border and is almost entirely beef, cattle and ranch horses. He stated he has a company that processes cattle for export to the U.S., Chihuahua and Sonora. He stated that he views the border from both sides and has seen progress made in certain areas. He opined that it is a crime for the federal government to designate Cochise County as a corridor and view the people of Cochise County as collateral damage. He stated that although the State may not have the funds to be able to address these problems, the Legislature can raise its voice against those federal policies that allows this to happen. He remarked that the enforcement of the current laws would be an effective way to handle this situation.

**Greg Schuller, representing himself,** testified that the federal government is responsible for the federal border as well as the military. He opined the federal government needs to close the border with the use of the military if necessary. He stated that the State Legislature has the responsibility to voice the opinions of the people of the State to the federal government, which has not done its job.

**Richard Humphries, representing himself,** agreed with Mr. Schuller's comments regarding the need for a stronger force on the border. He remarked that he has spoken with Senator McCain, Congressman Kolbe and Governor Hull about this problem and has been told that the reasons the military cannot be placed on the border are because:

the military is not trained properly, the Posse Comotatus Act, which will not allow the military to be used in civilian law enforcement issues and lastly, because Mexico may be offended.

**Ed Cottingham, representing himself,** testified that he lives on 2.5 acres on Ash Canyon road between Palaminas and Sierra Vista. He stated that the kind of illegal immigration traffic he witnesses involves drug smuggling, which is prevalent due to the road.

Mr. Cottingham remarked that in the State Constitution, the purpose of government is to protect and maintain individual rights. He stated that many individual rights are being denied because of this situation. He stated that it is not just a federal responsibility for this situation.

**Ben Anderson, representing himself,** testified that he is a native Arizonan living in Naco, Arizona along the border. He commented that a family member was recently told by a Border Patrol Officer to stay out of the washes on the family property because of the imminent threat of cholera because of the raw sewage that flows across the border from the failed sewer pumps in Naco, Mexico. He commented his concern with the title of the ad hoc committee meeting not including the word illegal and the time of the meeting being at midmorning on a weekday, which does not allow many people to attend. He noted his displeasure with Arizona Game and Fish not being of assistance to ranchers in keeping illegal immigrant trails from being established.

Senator Cummiskey explained that the time for the meeting was arranged to accommodate the Committee member's attendance to this meeting as well as be available for a site visit.

**John Siegel, representing himself,** commented that this situation has existed for many years and expressed his desire to see the military become involved.

**P ter Young, representing himself,** remarked that he has lived in Cochise County for over thirty years and opined that militarizing the border does not seem to be a viable solution. He noted that there must be an economic draw that brings people to our country to work and opined that this is not something that is going to change. He recommended that a viable guest-worker program needs to be developed to address this situation.

**Ruth Evelyn Cowan, representing herself,** testified that she is a flight attendant and cattle rancher. She stated that illegal aliens pose a real threat of hoof and mouth disease and effects her lifestyle and where she lives. She stated that she has three drug and illegal alien routes that run through her ranch, which makes it unsafe for her to live on her property. She stated that many of the complaints that she has dealt with have already been mentioned.

**Cecila Lumer, representing herself**, opined that if the federal INS policy were to be changed to allow undocumented immigrants entry into the country to work, many of the problems that were outlined in this meeting would not exist.

**Mark Adams, representing himself**, testified that as a Presbyterian minister, serving with a bi-national ministry, one of the goals the ministry has is to build relationships and understanding across borders. He reiterated the need for policy change to allow non-documented immigrants to enter the country for working purposes.

**Olga Robles, representing herself**, expressed her concern with the current situation in Douglas. She opined that the Border Patrol is doing an excellent job, with the limited resources that it has. She stated that it is more than time for the State and the federal government to take action to take care of this problem.

**Tom Bassett, representing himself**, commented that this issue is tearing apart of the community. He stated that he is opposed to having the military brought in to address this problem and opined that the Border Patrol's presence is not much better. He stated that this is an economic problem that needs changes in the current federal policy, which has allowed this situation to continue.

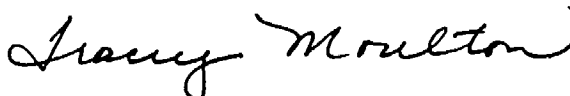
**Alva d'Orgeix, representing herself**, opined that the economic policies of the federal government are the cause this illegal immigration situation.

**Chris Ford, representing himself**, remarked the issue of trash being left in the desert is, in part, due to the Border Patrol's policy of not allowing illegal immigrants to take their belongings with them when they are apprehended. He opined the trails being caused by the immigrants do not have as large an impact as a possible six-lane highway with fencing and lighting along the border. He remarked that he is opposed to having military involvement on the border and stated the cause of this issue needs to be addressed, rather than having more preventative measures taken.

Senator Cummiskey expressed his appreciation to the host legislative members and the members of the community for being present and giving testimony.

Without objection, the meeting was adjourned at 1:40 p.m.

Respectfully submitted,



Tracey Moulton  
Committee Secretary

(Tapes and attachments on file in the Secretary of the Senate's Office/Resource Center, Room 115.)

ATTACHMENT  
F

Revised

Revised

Revised

**ARIZONA STATE LEGISLATURE**  
**INTERIM MEETING NOTICE**  
**OPEN TO THE PUBLIC**

**Ad Hoc Committee on Immigration**

**Date:** Wednesday, October 31, 2001  
**Time:** 10:00 a.m.  
**Place:** Santa Cruz County Complex, Room 120  
2150 N. Congress Dr.  
Nogales, Arizona

**AGENDA**

1. Call to Order
2. Impact of Immigration on Santa Cruz County – Robert Damon, Chairman, Santa Cruz County Board of Supervisors
  - Sheriff's Office
  - Superior Court
  - Attorney's Office
3. The Costs of the Criminal Justice System for Santa Cruz County – Tanis Salant, University of Arizona
4. Border Enforcement – U.S. Customs
5. Impact of Immigration on the City of Nogales – Mayor Marco Lopez, Jr.
6. Presentation of the future construction a hospital located in Nogales, Mexico – Teodoro Estrada, Vice President, Centro Intnt'l de Medicina
- 7. Impact of Immigration on Education – Jesus Santana, Assistant Superintendent, Douglas School District
8. Public Testimony
9. Adjourn
10. Site Tour – Santa Cruz County Jail, Border Business District, Border Fence Area, Nogales Wash and Port of Entry

**Members:**

Senator Chris Cumiskey, Cochair  
Senator Toni Hellon

Representative Carol Somers, Cochair  
Representative Victor Soltero

Persons with a disability may request a reasonable accommodation such as a sign language interpreter, by contacting the Senate Secretary's Office: (602) 542-4231 (voice). Requests should be made as early as possible to allow time to arrange the accommodation.

NS/tam 10/26/01

# ARIZONA STATE LEGISLATURE

## Ad Hoc Committee on Immigration

Minutes of the Meeting  
Wednesday, October 31, 2001 10:00 a.m.  
Santa Cruz County Complex, Room 120  
2150 N. Congress Dr.  
Nogales, Arizona

### Members Present:

Senator Chris Cummiskey, Cochair  
Senator Toni Hellon

Representative Carol Somers, Cochair  
Representative Victor Soltero

### Guests:

Senator Marsha Arzberger  
Senator Elaine Richardson

Representative Bobby Lugo  
Representative Mark Maiorana  
Representative Randy Graf

### Staff:

Nadine Sapien, Senate Research Analyst  
Mike Huckins, House Research Analyst

Cochair Cummiskey called the meeting to order at 10:00 a.m. and attendance was noted.

Senator Cummiskey expressed the Committee's appreciation for those in attendance. He explained the goal of the Committee is to examine the costs associated with immigration on local governments, both city and county, and establish meaningful partnerships with these local governments.

Senator Cummiskey reviewed the Committee's charge and noted that the Committee's report is due on December 15<sup>th</sup> annually.

## IMPACT OF IMMIGRATION ON SANTA CRUZ COUNTY

Robert Damon, Chairman, Santa Cruz County Board of Supervisors, remarked that the non-reimbursed costs to the criminal justice system is the most severe problem in the county. He noted that these costs are documented in Dr. Tanis Salant's University of Arizona (U of A) study.

Manuel Ruiz, Supervisor, Santa Cruz County Board of Supervisors, expressed his concern with countywide pollution, water contamination, damage to arroyos and the negative impact these problems have on the local economy. He remarked that the new border security has slowed border crossings. He stated that the produce industry creates many jobs and noted his concern of the border delays on perishable goods.



**Paul Newman, Supervisor, Cochise County Board of Supervisors**, noted that he was unable to attend the Douglas meeting. Referring to the U of A study, he remarked that 25% of Cochise County's budget is spent on costs associated with immigration. He stated that the county is enforcing State law, not federal law and opined that some compensation is needed.

Supervisor Newman remarked that the border counties have problems with communication equipment due to radio static and other difficulties that curtail the ability of officers to communicate in some areas. He remarked that some of the disturbances are caused by stray radio signals coming from Mexico and part is due to inferior equipment. He suggested that this issue be studied to determine which equipment changes are needed.

Supervisor Newman stated that the Border County Coalition, through Senator Kyle, received a study of health system impacts on the border showing high health and hospital costs.

Senator Richardson asked how much of the federal health study money would be allocated to Arizona. Supervisor Newman replied that \$300,000 is spread over four states to collect data in the four border state area.

**Antonio Estrada, Santa Cruz County Sheriff's Office**, stated that the Nogales area now has a population of 37,000 on the Arizona side and a population of 300,000 on the Mexico side, which is a large metropolitan Mexican city. He stated that law enforcement on the county level is shouldering the burden of the cost of the border problems and has received very little assistance. He noted that much of the budget is consumed by immigration impacts.

Sheriff Estrada remarked that there is a 20% unemployment rate in the county. In addition, recreation, the environment and the economy are all effected by lack of resources because they are being diverted to dealing with illegal immigration. He noted another reason many aliens come across the border is because gasoline prices are approximately \$1.00 less/gallon in the U. S.

Sheriff Estrada remarked there are eight known narcotic tunnels and additional storm drains being used. He stated the majority of people arrested are illegal immigrants, which tie up resources. Siting the U of A study, he stated since 1995, the county has had the use of the border patrol and has received State and federal funding, all of which have been helpful. He stated that similar funds are not allocated for the border counties for this year.

Sheriff Estrada explained that typically, an inmate stays in jail for 68 days, since they typically cannot post bond. The majority of these inmates have committed felonies. It costs \$56/day to maintain an inmate in jail not including medical costs. One inmate incurred \$37,000 in medical costs. Another inmate that was arrested had \$40,000 in costs.

Sheriff Estrada remarked that the Office's budget, including the jail, is \$3 million and opined it was not fair that so much of the illegal immigration impact is shouldered solely by the county governmental agencies. He noted that he loses officers constantly, as the position does not pay enough. He stated his officers need and deserve more.

Another problem relating to illegal immigration is the "tunnel rats" or children that live in the tunnels connected Mexico to the U.S. Sheriff Estrada stated that gang and criminal activities are prevalent in the tunnels. In 1993, a program named "Nueva Casa" was formed to get resources to these kids and offer them other options. Prior to that time, kids committed crimes as an incentive in order to get shelter, food, education and other forms of assistance from the State. The program ceased to exist because the kids were no longer inhabiting the tunnels and had moved back into Mexico.

Sheriff Estrada expressed his appreciation to the Border Patrol and all the efforts made by local Department of Public Safety officers in dealing with this situation. He noted that in addition to professional help, the community owed a great deal to the numerous volunteers that have been of great assistance. He stated that more state and federal assistance is needed to address this problem.

In response to the question which agency would be responsible for obtaining the necessary equipment needed to read the new laser identification cards, Sheriff Estrada replied that the Immigration and Naturalization Services agency would be responsible.

**Judge Roberto Montiel, Santa Cruz County Superior Court**, remarked that there are many hidden costs dealing with illegal immigration. Mental health examinations, court and hearing costs are just a few. He stated there is a three-tiered hearing process, per Title 36, to see if a court order for treatment is needed, which is also costly. He stated that a mental health hearing costs approximately \$100,000.

Judge Montiel explained extradition is executed by the sheriff's office and the inmate is detained in a county detention facility before having a hearing in front of the County Magistrate. In addition to these costs there is the cost of a court appointed attorney. He stated that as checkpoints at the border increase, there will be an increase in the number of extraditions, which will in turn incur additional costs for the county.

**Martha Chase, Santa Cruz County Attorney's Office**, stated that there have been fewer prosecutions of Mexican nationals and the number of minor crimes has decreased due to the increase fence and border patrol efforts. She stated the crackdown in the San Diego operation Gatekeeper shifted immigration over to the Border Patrol and had an increased presence in Nogales.

Ms. Chase remarked that victim restitution does not happen with Mexican Nationals. She stated that drug trafficking is the largest border problem and that half of the felony cases in the County are drug related cases. She stated that she is not in favor of using

the National Guard. She stated that she would prefer to continue to use the Border Patrol who is trained in law enforcement procedures.

## **THE COSTS OF THE CRIMINAL JUSTICE SYSTEM FOR SANTA CRUZ COUNTY**

**Dr. Tanis Salant, U of A,** stated that she has been working on border issues with Santa Cruz County since 1990. She stated the County has been collecting data before this in other areas and wanted a clear understanding and complete information of the immigration problems within the County. She stated Santa Cruz County was the first to study the positive impact of immigration on sales tax and found out that 57% of sales tax collected in the 1980s were derived from immigration sales. She explained that the sudden onset of drug trafficking and the negative impact it has had put too strong a burden on the County.

Dr. Salant noted that in five years, the County Sheriff's costs increased 100%, and the cost of incarcerating an inmate has gone from \$52 /day to \$120/day. She stated that in the mid 1990s, criminal illegal immigration cost \$5 million of the \$14 million County budget. She stated that Santa Cruz County has done more than any other border county to increase awareness and catalyze the other counties. She noted that it was the initiative of Santa Cruz County that led to the Border Commission, which led to the U of A study.

**Mayor Marco Lopez, Jr., City of Nogales,** commented that the impact of illegal immigration could have been exacerbated by cuts in shared revenues. He noted that in 1998, 176 illegal immigrants were transported at a cost of over \$29,000 because they were injured. He stated that the City was able to get reimbursed for those costs. He noted that if an immigrant is not in the custody of the Border Patrol, the cost of medical treatment is born by the city. He stated that the Border Patrol changed their custody policies and as a result, costs to the city have increased. Additionally, vehicles are being abandoned and the police are called on to respond and have to process them to be impounded. The towing and impoundment of these vehicles is an additional burden to the City. Currently, 2-3 vehicles are towed a week.

Mayor Lopez stated that the added wait at the border has decreased sales tax revenues for the City. He remarked that 60% of sales tax comes from Mexican shoppers and is currently down 13%.

Mayor Lopez remarked that he did not believe the security of the border should be the responsibility of customs, but rather that of Border Patrol. He stated the issue is funding, either for additional Border Patrol or National Guard to focus on security at ports of entry to allow customs to do their job, which will eventually save money, keep people moving through customs quickly and increase commerce. He stated that some type of relief is needed to address the current situation. He noted that revenue sharing does not reflect the true population of the people who do business in the City. There is a population of 20,000 in the City, but on a daily basis, 70,000 are in the City.

## **PRESENTATION OF THE FUTURE CONSTRUCTION OF A CLINIC LOCATED IN NOGALES, MEXICO**

**Teodora Estrada, Vice President, Centro Intnt'l de Medicina**, stated that the Mexican health care system cannot meet the needs of Mexican Nationals. He noted that a hospital was built in Hermosillo and it was desired that providers from the U. S. would team with the facility to provide care. He noted that clinics are being established to serve the Macquilladova Industry and work with the Mexican Nationals.

Representative Somers asked what issues need to be addressed to overcome to return Mexican Nationals to Mexico to receive medical treatment. Mr. Estrada stated that a forum needs to be created to address the issues of time lapses and delays in transporting sick or injured Nationals. Representative Somers stated that the Committee might need to have the International Law Center at the University look at existing legal barriers to this issue.

Mr. Estrada commented that it is the perception that better medical care is available in the U.S. and because of this perception, many Nationals get treatment for non-serious illness and injury in Mexico, but cross the border for more serious injuries or illness. He stated that many receive serious injury in crossing the fences on the border.

### **Public Testimony**

**Jack McGarvey, Resident, Rio Rico, Arizona**, remarked that the majority of Mexicans that cross the border are decent, honest, hardworking people who are not a threat. He stated that this area is a melding of two countries and cultures and opined that the current federal policy creates a good deal of the problems that exist.

**Richard Pocheber, Chairman and Executive Officer, Holy Cross Hospital, Nogales, Arizona**, stated that the hospital is an old facility in need of improvement. He stated with the loss of revenue created with the treatment of illegal immigrants, hospital repairs continue to be put off. He stated that the vast amount of \$370,000 in charity was in services provided to foreign nationals. He noted that 40-45 patients per month are sent to Holy Cross for treatment due to border crossing injuries. Additionally, many elderly foreign nationals live in Nogales and come in for emergency treatment. He stated that he is in support of federal funding for treatments received by foreign nationals and in federal funding of building further infrastructure to accommodate the needs of the community.

**Harlan Capin, Resident, Nogales, Arizona**, stated that he is an advocate for free trade and free flow of goods and people across the border. He stated that Mexicans should be treated the same as Canadians and that NAFTA and the Border Patrol have made

border crossing more difficult. He opined that Nogales and other areas are economic disasters and should be targeted for funding like any other disaster area.

Representative Somers remarked that the Business Climate Committee is dealing with the economical impacts on rural areas.

**Jim Welden, Mariposa Community Health Center**, testified that there is a concern regarding health care for the uninsured in the City of Nogales. He stated that the tobacco tax monies have helped, but Proposition 204 has cut into funding. He opined that further cuts to funding in the tobacco tax monies needs to be prevented.

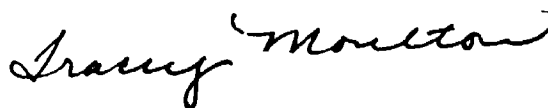
**Vice Mayor Keith Wiedemann, Town of Patagonia**, asked what could be done by the State to push already available federal funds through the North American Development (NAD) Bank and Border Governmental NAFTA. Representative Somers stated that the Business Climate Committee is looking at the NAD Bank issue and pushing for improvement in programs getting funded.

**Maria Virginia Avila Dabdoub, Owner, Daboub Bus Service**, stated that as a small business owner, she has experienced difficulties with high license fees, and the lack of a bus terminal or bus lane in the City. She stated that Mexico could significantly reduce the pressure if it established a minimum wage.

**Kathleen Vandervoet, Editor, Nogales International Newspaper**, asked what the next step is for the Committee. Senator Cummiskey stated that the Committee would have an interim report and a final report created. He stated the focus of these reports would be on what additional funds need to be focused on border counties by the State and to advocate for additional funds from the federal government.

Without objection, the meeting was adjourned at 12:00 p.m.

Respectfully submitted,



Tracey Moulton  
Committee Secretary

(Attachments on file in the Secretary of the Senate's Office/Resource Center, Room 115. Due to technical difficulty, tapes are not available of this meeting.)

# ATTACHMENT G

Agendas can be obtained via the Internet at  
[http://www.azleg.state.az.us/iagenda/iagenda\\_links.htm](http://www.azleg.state.az.us/iagenda/iagenda_links.htm)

**ARIZONA STATE LEGISLATURE**  
**INTERIM MEETING NOTICE**  
**OPEN TO THE PUBLIC**

**Ad Hoc Committee on Immigration**

**Date:** Thursday, November 1, 2001  
**Time:** 10:00 a.m.  
**Place:** Pima County Board of Supervisors Hearing Room  
110 W. Congress  
Tucson, Arizona

**AGENDA**

1. Call to Order
2. Impact of Immigration on Pima County - Supervisor Raul Grijalva, Chairman, Pima County Board of Supervisors
  - Medical Services at Kino Community Hospital – Scott Floden, Hospital Administrator
  - Law Enforcement and Security – Clarence Dupnik, Pima County Sheriff
3. Activities of the US/Mexico Border Counties Coalition – Supervisor Sharon Bronson, Pima County Board of Supervisors
4. Local Efforts to Obtain Federal Assistance – Arthur Chapa
5. Impact of Immigration on the City of Tucson – Augie Garcia, Director, Tucson Mexico Project
6. Presentation on Immigration Statistics – Russell Ahr, Special Assistant to the Director, Immigration and Naturalization Services
7. Public Testimony
8. Adjourn
9. Site Tour – Kino Community Hospital  
2800 East Ajo Way, 1<sup>st</sup> Floor  
1:00 p.m.

**Members:**

Senator Chris Cumiskey, Cochair  
Senator Toni Hellon

Representative Carol Somers, Cochair  
Representative Victor Soltero

Persons with a disability may request a reasonable accommodation such as a sign language interpreter, by contacting the Senate Secretary's Office: (602) 542-4231 (voice). Requests should be made as early as possible to allow time to arrange the accommodation.

NS/tam 10/23/01

ARIZONA STATE LEGISLATURE  
Forty-fifth Legislature - First Regular Session

Interim Meeting

AD HOC COMMITTEE ON  
IMMIGRATION

Minutes of Meeting  
Thursday, November 1, 2001 - 10:00 a.m.  
Pima County Board of Supervisors Hearing Room  
110 West Congress  
Tucson, Arizona

(Tape 1, Side A)

Cochairman Cummiskey called the meeting to order at 10:00 a.m.

Members Present

Senator Cummiskey, Cochairman  
Senator Hellon

Representative Somers, Cochairman  
Representative Soltero

Other Legislators Present

Senator Richardson  
Senator Valadez  
Senator Yrun

Speakers Present

Raul Grijalva, Pima County Supervisor  
Scott Floden, Hospital Administrator, Kino Community Hospital  
Shawn Cooper, Captain, Pima County Sheriff's Department (PCSD)  
Sharon Bronson, President, US/Mexico Border Counties Coalition (USMBCC) and Pima County Supervisor  
Arthur Chapa, representing Pima County  
Augie Garcia, Director, Tucson Mexico Project  
Russell Ahr, Special Assistant to the Director, Immigration and Naturalization Services (INS)  
John Duval, COO, University Medical Center (UMC)  
Reverend Robin Hoover, representing Humane Borders  
Robert Guerrero, Market Administrator, Tucson Medical Center (TMC)

AD HOC COMMITTEE ON  
IMMIGRATION  
November 1, 2001



## DISCUSSION:

Cochairman Cummiskey stated the Ad Hoc Committee on Immigration was established to 1) evaluate the costs and impacts on local border communities as it relates to environment, law enforcement and criminal justice and 2) to establish partnerships on behalf of the Legislature with other organizations like Board of Supervisors and the USMBCC. An interim report will be issued in December 2001 with interim recommendations and final report in December 2002 with a series of recommendations based on long term information and assumptions as to how to assist counties and local governments with the ever increasing costs associated with immigration that they are encountering.

Cochairman Somers welcomed the attendants and expressed her appreciation to all entities involved in the process.

Mr. Soltero said the committee has been charged with studying impacts brought on by immigration and is appreciative of all the comments and concerns raised by the parties involved.

Ms. Hellon said that while it is easy to say that the federal government should deal with these issues, the fact is that the states and border communities have to deal with the trickle down effects on a day-to-day basis.

Cochairman Cummiskey acknowledged people present who did not speak: Pima County Supervisor Dan Eckstrom and Pima County Supervisor Ann Day.

Raul Grijalva, Pima County Supervisor, said he appreciates the opportunity given by the Legislature to study the problems faced by border counties. Providing services is a mandated function of county government. However, being a border county adds an additional strain to several areas, including environment, health and public safety. It can be difficult to maintain a certain service level set with limited resources that are further taxed by the additional users.

Scott Floden, Hospital Administrator, Kino Community Hospital, referred to the handout titled "Healthcare in Pima County and the Impact of Border Health and Immigration" (Attachment 1). Kino is the only public hospital in Tucson. The amount of disproportionate share funding that Kino received last year is \$6.1 million. This year, it will be reduced to a little over \$4 million. This funding was designated to support the increase in the eligibility for AHCCCS.

Shawn Cooper, Captain, Pima County Sheriff's Department (PCSD) said the PCSD bears the greatest impact of illegal immigration out of all the service areas. It has been estimated that four percent (\$1.3 million) of the total PCSD operational budget can be related to illegal immigration. In the border towns, this figure rises to nine percent. This estimate includes the direct costs of investigating crimes committed by illegal aliens, including drug trafficking, burglary and auto theft. It also includes search and rescue

operations. The PCSD also assists other border counties and other federal entities in search and rescue. As certain crime rates rise, so do the costs involved. Eighteen percent (\$4.3 million) of the detention portion of the budget can be attributed to illegal immigrants. On a typical day, 130 out of the 1,400 inmates in the jail are illegal immigrants. They often arrive at the jail with a myriad of health problems, which further increases the cost of housing inmates. While the State Criminal Alien Assistance Program (SCAAP) has provided some compensation, it has been insufficient in covering all the costs involved. The current jail facility was built to accommodate 1,100 inmates. The addition of illegal immigrant inmates is exacerbating an already overloaded facility.

Cochairman Cummiskey queried on the relationship between the PCSD and the United States Border Patrol (USBP). Mr. Cooper said they receive calls for assistance from USBP on a daily basis.

In response to Cochairman Somers, Mr. Cooper said that while in recent years the PCSD has hired additional officers for patrolling and detention, they are still below where they need to be. Response times have not been affected by the increase in crime rates. The area that has suffered the most due to the increase is investigation. Caseloads are extremely high and often don't get the full attention needed.

Ms. Hellon queried on the process of obtaining SCAAP funding. Mr. Cooper said the process is time consuming but the PCSD does not have the problems that other border counties have in applying for funds in that their records are computerized. However, any simplification of the process would be appreciated.

In response to Cochairman Cummiskey, Mr. Cooper said some stolen vehicles are taken across the border. It is difficult to track the percentage of crimes that begin with illegal immigration. Several types of crime, i.e. drug trafficking, lead to other crime.

Ms. Hellon asked about how inmates receive health care. Mr. Cooper said once a person is booked into the detention facility, the PCSD assumes responsibility for health care. In many cases, jail medical staff can provide care. If the problem requires hospitalization, the PCSD must retain custody and control. An officer may be required to stay with the person for their entire stay at the hospital.

Mr. Soltero queried on PCSD's relationship with the Department of Public Safety (DPS). Mr. Cooper said the PCSD is often the first law enforcement to arrive on the scene of an automobile accident. They share information with DPS on a variety of levels.

Cochairman Somers expressed her gratitude to the PCSD for all their efforts.

Sharon Bronson, President, US/Mexico Border Counties Coalition (USMBCC) and Pima County Supervisor, said the USMBCC was founded in 1998 and represents 24 counties along the US/Mexico border. Pima County has the largest border with Mexico in the state of Arizona.

(Tape 2, Side A)

Ms. Bronson said ranchers are experiencing difficulties with loss of cattle due to fences being cut and increased incidences of vandalism. The borders need to be protected but commerce cannot be interrupted. In light of the September 11th incident, if any biological warfare takes place, the border counties will be greatly affected by immigrants seeking health care. Border counties are working with the federal legislative delegation to receive additional SCAAP funding. Many juveniles currently in custody in border counties are undocumented immigrants. Border communities are seeking economic growth advantages. USMBCC has recently completed a study on law enforcement costs to border counties and will be beginning a study on health care related costs soon. Patient dumping is a real problem in Pima County. The USBP will call Pima County to pick up immigrants who are ill. Once Pima County takes them on, they are Pima County's fiscal responsibility.

Cochairman Cumiskey asked what other states with border counties are doing to alleviate problems associated with being a border county. Ms. Bronson said Texas is working at the state level to provide some additional help for health care related costs. This is possible because Texas has regional health care entities, which Arizona does not have. There has been some help at the state level for San Diego County in California. Very little help can be given at the state level.

Ms. Hellon said this presentation has been very informative. She asked what could be done to help alleviate the problem of patient dumping. Ms. Bronson said policy governs how the USBP handles ill immigrants not the law.

Cochairman Somers said that she has heard that it is a loophole in the law that allows for patient dumping. The loophole says that as long as the person has not been officially taken into custody the USBP can just drop them off at the hospital. Ms. Bronson said while that is true, the USBP can take them into custody before they are dropped at the hospital, which is what Pima County would like them to do. The USMBCC is working with Senators Kyl and Feinstein as well as Congressmen Pastor and Kolbe on tightening the USBP policy on dumping patients. The supervisors in Cochise County would like to have additional border patrol. Whenever border patrol is tightened in adjoining counties, the incidence of border crossings increase in Pima County.

Mr. Soltero said the more law enforcement there is, the more other services have to increase as well. Ms. Bronson commented that for every 10 additional border patrol agents, at least one more sheriff's officer is needed as well as an additional prosecutor and defense attorney.

Ms. Bronson said it is a challenge working with their counterparts in Mexico due to the centralization of the Mexican government.

Arthur Chapa, representing Pima County, said it is difficult to obtain funding to offset direct costs associated with illegal immigration. Members of Congress have a difficult

time obtaining funding for four out of fifty states. SCAAP 1 was passed in 1994. Since then, about \$3.3 billion has been appropriated. The largest portion of SCAAP funding goes to California. The President had recommended a significant decrease in funding, but this was before September 11th. Now that there is a movement on to protect our borders, patrolling might be increased. However, as was mentioned previously, this only drives up other costs in border counties. SCAAP 2 is currently going through federal channels and the amount requested is \$750 million.

Last year, \$3 million was appropriated for each border state for southwest border prosecutors. This year, President Bush has proposed \$50 million. Secretary of Health Tommy Thompson has said he is going to ask Congress for \$25 million to support border health initiatives. Senator Kyl and Congressman Kolbe have recently introduced two separate bills to appropriate funds for border counties to offset health and criminal prosecution costs.

Ms. Richardson said she had seen that Arizona received \$20 million in SCAAP last year. Mr. Chapa said that while that is the amount the State receives, he is unaware as to the distribution method. Ms. Richardson said she would like to receive a breakdown as to where the funding is going. Mr. Chapa said he would obtain the information and get back to Ms. Richardson.

Mr. Soltero said that once the committee prepares its findings a copy should be sent to the federal delegation. Mr. Chapa said that would be a good idea and such a document would be helpful to other entities as well.

Cochairman Cummiskey queried whether or not it would be helpful for the committee to seek guidance and support from other border states. Mr. Chapa replied any joint efforts would be appreciated.

Augie Garcia, Director, Tucson Mexico Project (TMP), said a study conducted by the University of Arizona in 1991 determined that \$1 billion is generated by Mexican tourism annually in Arizona. In Pima County, it breaks down to \$250 million. The retail community in Tucson reaps the benefits from sales especially in August and December. In 1998, TMP started working with Immigration and Naturalization Services (INS) to extend the border travel zone to beyond the city of Tucson. Arizona does not have a large city near the border so INS agreed. Mexican tourism has decreased recently due to the incident on September 11th, the change in identification card requirements at the border and rumors about lack of safety in Tucson. A balance needs to be struck between national safety and the economic needs of southern Arizona communities.

On September 30, 2001, a new laser visa was required to grant access to the United States. The goals of this new visa was to increase security and to speed inspections with the use of digital readers. These new visas will be received six to eight weeks after application. An appointment needs to be scheduled to obtain the applications. At the U.S. Consulate's office in Nogales, they are booked solid until January 2002. Approximately 800-1,000 applications are processed at that office per day. To put this

into perspective, over 5.5 million visas have been issued in the past five decades. INS has not installed the new card readers at all locations. A new study is currently being created by several entities to document the economic impact of the Mexican visitor on Arizona.

(Tape 3, Side A)

Mr. Garcia said the group has created some recommendations that he will share. Some of these pertain more to the federal government than state government:

1. Additional resources to the U.S. Consulate be provided.
2. Support needs to be given to INS to implement the new laser visas.
3. Develop and implement a marketing effort in Mexico related to the new visas.
4. Encourage Congress to pass a bill that extends the September 30, 2001 deadline for implementation of the new visas.

Cochairman Somers requested further information on the rumors of safety issues in Tucson. Mr. Garcia said a great deal of the fear stems from what Mexican citizens are seeing on American television about bio-terrorism as well as the fact that a major missile manufacturing plant and a major Air Force base are located near Tucson.

Ms. Richardson said the fee for the new laser card is prohibitive based on the exchange rate of a peso to a dollar. Sales tax revenues in Nogales are down fifty percent.

Russell Ahr, Special Assistant to the Director, INS said there is no aspect of government more misunderstood than immigration. As the committee gains more information, the difficulty to glean the correct information grows as well. He referred to the handout titled "Immigration in Arizona FY 2001" (Attachment 2). The figures in the report on apprehensions and detentions only relate to the number of people that came into INS custody because of some violation of immigration law, whether it is civil or criminal. It is taking nearly 100 percent of INS's efforts to focus on these people. INS does not have the ability to focus on the elements of the undocumented population that may be perceived as having a great impact on other programs that are funded by state and local governments.

Cochairman Cummiskey said that while there is heavy enforcement at the border, if someone makes it across to Tucson or Phoenix, the sanctions placed on employers who hire illegal immigrants are non-existent. Mr. Ahr said in 1997 and 1998, the INS conducted extensive employer sanction operations. Several hundred businesses were questioned that employed approximately 25,000. After I-9 forms were reviewed, it was determined that 6,000 employees were undocumented immigrants. INS compelled the employers to terminate those employees and restore the positions for someone who is documented. There were only seven agents in the Phoenix area at the time. There just isn't enough manpower to continue the current programs and take on enforcement in the workplace.

Cochairman Somers said that the application process to enter the country legally takes a great deal of time, which leads to people entering the country illegally. She queried if there was a way to make this process easier. Mr. Ahr said the procedure to obtain a visa is fairly involved so evidence is provided that the citizen will eventually return to their country of origin.

(Tape 4, Side A)

John Duval, COO, University Medical Center (UMC), defined the three immigrant populations seen at the hospital. UMC is working with the Mexican medical community to assist in elevating the level of care of Mexico.

Reverend Robin Hoover, President, Humane Borders (HB), said that while Arizona has fifteen percent of the border with Mexico, it has thirty-five percent of the deaths associated with border crossings. HB is contracted with Pima County to place water stations in the desert in remote areas where migrants are trafficking heavily. So far, the organization has distributed 10,000 gallons of water.

Robert Guerrero, Market Administrator, Tucson Medical Center (TMC), said medical parolees represent sixty percent of the uncompensated care given to foreign nationals. TMC is working on developing a bi-national protocol for hospitals in Mexico when they send their patients to hospitals in the United States. This will assist in the communication of information on the patients so tests will not have to be repeated, etc.

Without objection, the meeting adjourned at 12:20 p.m.

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Andrea Allen, Committee Secretary  
December 10, 2001

(Original minutes, attachments and tape on file in the Chief Clerk's Office)